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THE

MAP OF AFRICA BY TREATY,

By the late SIR E. HERTSLET, K.C.B.

THIRD EDITION:

IN THREE VOLUMES AND A COLLECTION OF MAPS.

Revised and completed to the end of 1908, by R. W. BRANT, Librarian and Keeper of the Papers, and H. L. SHERWOOD, of the Foreign Office.

Vol. III. Nos. 260 to 382.

GREAT BRITAIN AND GERMANY TO UNITED STATES,

APPENDIX, AND INDEX TO THE THREE VOLUMES.

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THE

MAP OF AFRICA BY TREATY.

PART II.

GREAT BRITAIN AND GERMANY

TO

UNITED STATES.

APPENDIX.

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GREAT BRITAIN AND GERMANY.

GREAT BRITAIN AND GERMANY.*

LIST OF TREATIES, &c.

No.				Page
260	29 Apr., / 16 June, 1885	Arrangement	Great Britain and Germany. Spheres of Action. Gulf of Guinea. Rio del Rey. Cameroons. Ambas Bay. St. Lucia Bay, &c.	868
261	9 June, 1886	Procès-Verbal	Great Britain, France, and Germany. Maritime, Littoral, and Continental Possessions of Sultan of Zanzibar	874
262	15 July, 1886	Protocol	British Claims in German Protectorates in South-West Africa. Penguin Islands, &c.	877
263	27 July, / 2 Aug., 1886	Supplementary Arrangement.	Great Britain and Germany. Spheres of Action. Gulf of Guinea. River Benue. Yola. (See also Agreement, 15th November, 1893)	880
264	29 Oct., / 1 Nov., 1886	Agreement	Great Britain and Germany. Recognition of Sultan of Zanzibar's Sovereignty over Islands and Territories on East African Mainland. Spheres of Influence. Adhesion of Germany to Declaration between Great Britain and France of 10th March, 1862	882
265	4 Dec., 1886	Adhesion	Sultan of Zanzibar to Agreement between Great Britain and Germany of 29th October—1st November, 1886. Possessions of Sultan of Zanzibar	887
—	3/4 Dec., 1886	Agreement	Great Britain and Zanzibar. Territorial and Insular Limits. (See Zanzibar.)	
266	March, 1887	Agreement	Establishment of Trading Stations within Spheres of Influence in East Africa	887
267	July, 1887	Agreement	Discouragement of Annexations in rear of Spheres of Influence in East Africa	888
268	Dec., 1887	Joint Recommendations.	British and German Commissioners. Spheres of Influence. Interior of Gold Coast. Togoland. Volta	890
269	17 Aug., 1889	Award	Belgium. Difference between British East Africa Company and German Witu Company. Farming of Customs and administration of Island of Lamu	891

* See also GERMANY.

[List of Treaties, &c.]

No.				Page
—	22 Oct., 1889	Notification	German Protectorate over Witu, from Northern Frontier of Witu to Southern Frontier of Kismayu. (See Germany.)	
—	14 June, 1890	Provisional Agreement.	Great Britain and Zanzibar. British Protectorate. (See Zanzibar.)	
270	1 July, 1890	Agreement	Great Britain and Germany. Spheres of Influence. East, West, and South-West Africa.	899
271	27/28 Oct., 1890	Exchange of Notes.	Compensation to Sultan of Zanzibar for Cession to Germany of coast line between Rivers Umba and Rovuma, and of Island of Mafia	907
—	4 Nov., 1890	Notification	British Protectorate over Zanzibar. (See Zanzibar.)	
—	19 Nov., 1890	Notification	British Protectorate over Witu, Patta, Manda, &c. (See East Africa Protectorate.)	
—	1884—1890	Notes	On German Protectorates on West Coast of Africa. (See Germany.)	
—	1884—1890	Notes	On German Protectorates in East Africa. (See Germany.)	
—	22 Dec., 1890	Agreement	Great Britain, Germany, and Italy. Tariff of Eastern Zone of Conventional Basin of the Congo. (See Africa (General).)	
272	27 Oct., / 24 Dec., 1892	Protocol	Boundaries. British and German Spheres of Influence. Lake Jipe, Wanga, &c.	909
—	1884—1892	Notes	On German Protectorates on South-West Coast of Africa. (See Germany.)	
273	14 Apr., 1893	Agreement	Boundary. Gulf of Guinea, Rio del Rey	910
—	8 July, 1893	Protocol	Boundary Commissioners. East Equatorial Africa	912
274	25 July, 1893	Agreement	Boundary. From the Umba River to Lake Jipe and Kilimanjaro	911
275	15 Nov., 1893	Agreement	Boundaries and Spheres of Influence. From the Gulf of Guinea into the Interior. Yola. Lake Chad. Basin of River Shari, Darfur, Kordofan, Bahr el Ghazal, &c.	913
276	11 Nov., 1898	Protocol	Decisions of Commissioners for the Delimitation of the Nyasa–Tanganyika Boundary	916
277	14 Nov., 1899	Convention	West Africa, Zanzibar, &c.	919
278	28 Jan., 1900	Exchange of Notes.	Jassin and Umba Valley Boundary	921
—	14 Feb., 1900	Protocol	Jassin and Umba Valley Boundary	922
—	3/25 Apr., 1900	Exchange of Notes.	Jassin and Umba Valley Boundary	923
279	23 Feb., 1901	Agreement	British and German Spheres of Interest between Lakes Nyasa and Tanganyika	925
280	26 Sept., / 2 Dec., 1901	Convention	Boundary. Gold Coast and Togoland	927
—	21 July, 1902	Protocols	Commissioners for Delimitation of Gold Coast and Togoland Boundary (foot-note)	935

No.				Page
281	12 Dec., 1902	Agreement	Boundary. Yola–Lake Chad	930
—	10 Aug., 1903	Protocol	Boundary Commissioners. Delimitation of Yola Arc	939
282	24 Feb., 1904	Protocol	Boundary. Yola–Lake Chad	933
283	25 June, 1904	Exchange of Notes.	Boundary. Gold Coast and Togoland north of the 9th degree of North latitude	935
284	19 Mar., 1906	Agreement	Boundary from Yola to Lake Chad	937
—	16 July, 1906	Exchange of Notes.	Recording acceptance of above Agreement by the two Governments	941
285	18 July, 1906	Agreement	Boundaries. Territories in East Africa	942
—	11 June, 1907	Order	Cessation of German Jurisdiction in Zanzibar .....Note	920

No. 260.—*ARRANGEMENT between Great Britain and Germany, relative to their respective Spheres of Action in portions of Africa. 29th April—16th June*, 1885.*

(1.) *Earl Granville to Count Münster.*

M. l'Ambassadeur, *Foreign Office, 29th April*, 1885.

In my note of the 19th ultimo, I had the honour to forward to your Excellency the draft of a Memorandum of Agreement for separating and defining the spheres of action of Great Britain and Germany in those parts of Africa where the Colonial interests of the two countries might conflict.† In the subsequent negotiations it has been notified that the German Government accept the proposed Agreement with certain modifications. I am consequently now in a position to state that Her Majesty's Government are prepared, on receiving the assent of the German Government, formally to adhere to the following Arrangement.

Gulf of Guinea and interior Districts.

Great Britain engages not to make acquisitions of territory, accept Protectorates, or interfere with the extension of German influences in that part of the coast of the Gulf of Guinea, or in the interior districts to the east of the following line: that is, on the coast, the right river bank of the Rio del Rey entering the sea between 8° 42′ and 8° 46′ longitude east of Greenwich; in the interior a line following the right river bank of the Rio del Rey from the said mouth to its source, thence striking direct to the left river bank of the Old Calabar or Cross River, and terminating after crossing that river at the point about 9° 8′ of longitude east of Greenwich, marked "Rapids" on the English Admiralty Chart.

Germany engages not to make acquisitions, accept Protectorates, or interfere with the extension of British influence in the coast of the Gulf of Guinea lying between the right river bank of the mouth of the Rio del Rey, as above described, and the British Colony of Lagos; nor in the interior to the west of the line traced in the preceding paragraph.

Victoria, Ambas Bay, to remain a British Possession.

Both Powers agree to withdraw any Protectorates already established within the limits thus assigned to the other, a reservation being specially made as to the settlement of Victoria, Ambas Bay, which will continue to be a British Possession.‡

* See also Arrangements, 27th July—2nd August, 1886, p. 880; 1st July, 1890, Art. IV, § 2, p. 903; 14th April, 1893, p. 910; 15th November, 1893, p. 913; and 19th March, 1906, p. 937.

† See S.P., vol. lxxvi, p. 755.

‡ A Notification of the assumption of British Sovereignty over Ambas Bay was issued on the 19th July, 1884. H.T., vol. xvii, p. 57. Transferred to Germany, 28th March, 1887. See note, p. 871.

East Coast. British Flag at Santa Lucia Bay.

Germany engages to withdraw her protest against the hoisting of the British flag at Santa Lucia Bay.*

Coast between Natal and Delagoa Bay.

And to refrain from making acquisitions of territory or establishing Protectorates on the coast between the Colony of Natal and Delagoa Bay.

I shall be glad to receive from your Excellency a formal notification that the German Government accept the arrangement above recorded.

I have, &c.,
GRANVILLE.

(2.) *Earl Granville to Count Münster.*

Victoria, Ambas Bay.

M. l'Ambassadeur, *Foreign Office, 29th April*, 1885.

YOUR Excellency is aware that, in the Agreement for defining the limits of the territorial jurisdiction of Great Britain and Germany on the West Coast of Africa in the neighbourhood of the Cameroons,† which I proposed to Count Herbert Bismarck, and of which I am to-day requesting the formal acceptance by the German Government, I made an express exception as regards Ambas Bay, on account of the rights there of a settlement of Baptist missionaries whom Her Majesty's Government could not undertake to transfer against their will to German jurisdiction.

I stated, however, at the time, and I have the authority of the Secretary of State for the Colonies to repeat, that if the German Government should be able themselves to come to a satisfactory arrangement with the missionaries, there being no political necessity involved, the difficulty as to the cession of Ambas Bay would disappear, and Her Majesty's Government would be ready to agree to its being included in the territories to be placed, in accordance with the arrangement, under German protection.‡

I have, &c.,
GRANVILLE.

(3.) *Count Münster to Earl Granville.*

(Translation.)

My Lord, *German Embassy, London, 7th May*, 1885.

I HAVE had the honour to receive your note of the 29th ultimo on the subject of the negotiations between the Imperial Government and Her Majesty's Government with regard to a separation and definition

* See British South Africa (Natal and Zululand), p. 197.
† See Note, p. 915, on the "Hinterland."
‡ See note, pp. 868, 871.

of their respective spheres of influence in the territories on the Gulf of Guinea.

An understanding of the following nature is therein proposed :—

Gulf of Guinea.

Great Britain engages not to make acquisitions of territory, accept Protectorates, or interfere with the extension of German influence in that part of the coast and interior of Guinea which lies east of the line which is drawn through the right river bank of the Rio del Rey* which enters the sea between 8° 42′ and 8° 46′ east longitude to its source, and thence in a straight line turns to the left towards the left river-bank of the Old Calabar or Cross River, and crossing that river, terminates at a point about 9° 8′ of east longitude, marked "Rapids" on the English Admiralty Chart.

Germany engages not to make acquisitions, accept Protectorates, or interfere with the extension of British influence in that part of the coast and interior of Guinea which lies between the line as above described, beginning at the mouth of the Rio del Rey* and the British Colony of Lagos.

Victoria, Ambas Bay.

Both Powers agree to withdraw all Protectorates which they have already established within the limits hereafter assigned to the other party, a reservation being specially made as to the Settlement of the missionaries at Victoria, Ambas Bay, which will continue to be a British possession.†

East Coast. British Flag at Santa Lucia Bay.

Germany declares herself ready to withdraw her protest against the hoisting of the British flag at Santa Lucia Bay.‡

Coast between Natal and Delagoa Bay.

And to refrain from making acquisitions of territory or establishing Protectorates on the coast between the Colony of Natal and Delagoa Bay.

German Acceptance of Arrangement.

Your Lordship having informed me by your note of the 29th ultimo, above referred to, that, as soon as the German Government declares its assent, the British Government are ready to formally recognize the arrangements proposed above as binding, I have been authorized to declare the acceptance on the part of the Imperial Government of this arrangement.

I have, &c.,
MÜNSTER.

* Rio del Rey Creek. See Agreements, 1st July, 1890, Art. IV, § 2, p. 903; 14th April, 1893, p. 910; 15th November, 1893, p. 913; and 19th March, 1906, p. 937.

† See Note of same date, next page.

‡ See British South Africa (Natal and Zululand), p. 197.

(4.) *Count Münster to Earl Granville.*

Victoria, Ambas Bay.

(Translation.)

My Lord, *German Embassy, London, 7th May*, 1885.

In your note of the 29th ultimo on the subject of the definition of the spheres of British influence of Germany and England in the Gulf of Guinea, it is stated that the Settlement of Victoria, Ambas Bay, remains for the present a British possession.

By your note of the same day with reference to the negotiations which have taken place relative to the cession of Ambas Bay, your Excellency has, however, in conjunction with the Secretary of State for the Colonies, repeated the assurance given to Count Bismarck, that the cession of Ambas Bay presents no political difficulties, and that the English Government would agree to it as soon as the German Government could come to an understanding with the English Mission Society.*

In acknowledging the receipt of this communication, and taking note of the understanding of the two Governments with regard to its contents, I take the opportunity of, &c.

MÜNSTER.

(5.) *Earl Granville to Count Münster.*

Commercial Relations.

M. l'Ambassadeur, *Foreign Office, 16th May*, 1885.

Dr. Krauel, in his recent interviews respecting the arrangement now concluded regarding the Protectorates of Great Britain and Germany on the African coast, stated that it is the wish of the German Government that the settlement of the boundary between the British and German Protectorates on the Gulf of Guinea should be followed by negotiations for a commercial arrangement insuring equality of treatment for the trade of the two countries in the respective Protectorates.

It was pointed out that while Her Majesty's Government fully accepted the principle of equality of treatment, it was premature to negotiate the adoption of formal engagements as the question of the administration of the Protectorates must first be settled. Dr. Krauel urged that at any rate such assurances might be exchanged as might satisfy traders that there would be no differential treatment, and that no excessive duties would be imposed. These assurances Her Majesty's Government have no difficulty in giving, and I have consequently to request your Excellency to convey to the German Government the following expression of their views and intentions :—

Her Majesty's Government cannot at present make any definite declaration as to the limit of duties to be imposed, but they are pre-

* Victoria was transferred to the Sovereignty of Germany, 28th March, 1887, since which date it has formed part of the German Protectorate of the Cameroons.

pared to give the assurance that those duties will be levied solely for the purpose of meeting the expenses necessary to enable them to carry out the obligations imposed upon them by the Protectorates, and that they will be as moderate as possible.

They are prepared to give every assurance that there shall be no differential treatment of foreigners or foreign goods.

They will be fully prepared to apply to the British Protectorates the provisions of the second paragraph of the Vth Article of the Act of Berlin (**No. 128**), which secures protection to the persons and property of foreigners, and to engage that there shall be no differential treatment of foreigners as to settlement or access to the markets, it being understood that the regulation of these questions must be subject to administrative dispositions in the interests of commerce and of order.

They are ready to undertake that no less than four months'* notice shall be given by the local authorities of the adoption of any alteration in the Tariff of duties.

I have to request your Excellency to explain that these assurances are given subject only to the receipt of a reciprocal undertaking from the German Government as regards the German Protectorates, and I shall be glad to learn from your Excellency whether the German Government are prepared to give such an undertaking.

I have, &c.,
GRANVILLE.

(6.) *Count Münster to Earl Granville.*

Commercial Arrangements.

(Translation.)

My Lord, *German Embassy, London, 2nd June*, 1885.

In your note of the 16th ultimo you communicated to me a résumé of the Rules which the British Government are prepared to observe for the regulation of trade and commerce in the territories on the Gulf of Guinea which are under their protection. You added that the engagement to carry out these Rules was made on the understanding that assurances of a similar nature would be given on the part of the Imperial Government as to the German Protectorate on the Gulf of Guinea.

I did not omit to bring your above-mentioned note to the notice of my Government, and I am now authorized to make the following answer :—

With respect to the promises made by the British Government, the Government of His Majesty the Emperor declares itself ready to make the following engagements with regard to its Protectorates on the Gulf of Guinea :

* The period of four months here stipulated was reduced to one month by Agreement between Great Britain and Germany of $\frac{5\text{th}}{19\text{th}}$ May, 1893. See S.P., vol. lxxxv., p. 836.

Customs shall only be raised to such an amount as may be considered sufficient to cover the expenses arising from the taking over of the Protectorate.

The customs rates shall be fixed as low as possible, without, however, being confined to any fixed maximum.

There shall be no differential treatment of British subjects or British goods.

Security of Persons and Property of Foreigners.

The conditions in Section 2 of Article V of the General Act of the Berlin Conference of the 26th February last (**No. 128**), which provided for the security of the persons and property of foreigners, shall be applicable to British subjects in German Protectorates; and with the reservation of certain Governmental regulations in the interests of trade and public order, no differential treatment of British subjects with regard to their establishment at or communications with the markets shall take place.

Any changes in the Customs Tariff shall be made known at least four months* before their execution by the local authorities.

I have, &c.,
MÜNSTER.

(7.) *Earl Granville to Baron Plessen.*

Commercial Relations

M. le Baron, *Foreign Office, 10th June*, 1885.

I HAVE the honour to request that you will be good enough to furnish me with an explanation of the point which is not altogether clear in the note from his Excellency Count Münster of the 2nd instant, on the subject of the commercial relations of Great Britain and Germany in the territories in the Gulf of Guinea under their Protectorate.

In my note of the 16th May I said that Her Majesty's Government would be ready to give every assurance that there should, in the British Protectorate, be no differential treatment of foreigners. I added that they would be prepared to engage that there should be no differential treatment as to settlement or access to the markets, it being understood that the regulation of these questions, as well as of the application of the provisions of Article V of the Act of Berlin (**No. 128**) must be subject to administrative dispositions in the interests of commerce and of order.

In Count Münster's reply a corresponding general assurance was given as to differential treatment, and in response to the suggestion as to the additional engagement, the following words are used: "es soll . . . . vorbehaltlich gewisser Verwaltungs Vorschriften im Interesse des Handels und der öffentlichen Ordnung, keine ungleiche

* The period of four months here stipulated was reduced to one month by Agreement between Great Britain and Germany of $\frac{5th}{19th}$ May, 1893. See S.P., vol. lxxxv, p. 836.

Behandlung von Englischen Unterthanen in Bezug auf Niederlassung oder Zugang zu den Handelsmäkten gestattet sein." I have the honour to inquire whether the meaning of these words is that the equality of treatment of British subjects as to settlement or access to markets is subject to regulations to be made from time to time; and if this is the meaning, as it doubtless will have arisen from a misconception of the phrase used in my note, I have to explain that the assurance which it was intended that the two Governments should exchange was that there should be absolute equality of treatment on these points. In making the reservation respecting regulations my object was to let it be understood that foreigners would be subject, equally with British subjects, to such rules as regards settlement and access as the Administration might think proper to impose.

I have, &c.,
GRANVILLE.

(8.) *Earl Granville to Sir E. Malet.*

Commercial Relations.

Sir, *Foreign Office, 16th June,* 1885.

Baron von Plessen called to-day and stated that he had been instructed to explain, in reply to my note to Count Münster of the 10th instant, that the passage in his Excellency's note to which I had referred was meant to be a translation of the corresponding passage in my note of the 16th May. He said that he was authorized to state that the German Government understood the assurance given by them in the same sense as that in which Her Majesty's Government interpreted the assurance given on the part of England.

I have, &c.,
GRANVILLE.

No. 261.—*PROCES-VERBAL, containing the unanimous opinions of the Delegates of Great Britain, France, and Germany, with reference to the Maritime, Littoral, and Continental Possessions of the Sultan of Zanzibar. Zanzibar, 9th June,* 1886.*

(Translation.)

The Delegates of the three Powers† declare by these presents that they unanimously recognize the sovereign rights of His Highness the Sultan of Zanzibar at the points mentioned below.

N.B.—The Commission has adopted as measure for distance the geographical mile of sixty to the degree.

* S.P., vol. lxxvii, p. 1128.

† Great Britain, France, and Germany. Lt.-Col. Kitchener (now Lord Kitchener of Khartoum) was appointed British Commissioner on the 17th October, 1885. For instructions given to him by the Marquis of Salisbury, see Par. Pap. "Zanzibar, No. 3 (1887)," p. 73. This "Procès-Verbal" was accepted by the British and German Governments by an Exchange of Notes, dated 29th October and 1st November, 1886.

[Zanzibar Possessions.]

Islands of Zanzibar and Pemba.

1. The Islands of Zanzibar and of Pemba, and the small islands which are geographically dependent upon them, that is to say, those lying within a radius of 12 miles round the said islands.

Coast and neighbouring Territories.

2. As regards the coast and the neighbouring territories, extending from the southern frontier and running northwards.

Minengani and Tunghi.

Minengani and Tunghi: The southern frontier of the States of the Sultan may be defined by a line which, following the Minengani River for a distance of 5 miles, would continue on the line of latitude until it touched the right bank of the Rovuma.

Bay of Mikindani, Lindi, Mchinga Kiswere, Kilwa-Kiswani, and Kilwa-Kivingi.

3. The Bay of Mikindani, Lindi, Mchinga Kiswere, Kilwa-Kiswani, and Kilwa-Kivingi; the line limiting the territories possessed by the Sultan would run parallel with the coast for a distance of 10 miles until it reached the latitude of Kilwa-Kivingi; it would then run as far as the coast, leaving a radius of 10 miles round this last point.

Island of Mafia, Samanga, Kikounya, Kisijou, and Dar-es-Salam.

4. The Island of Mafia, Samanga, Kikounya, Kisijou, and Dar-es-Salam, with the territories adjoining each of these points within a radius of about 10 miles.

Bagamoyo, Saadani, Pangani and Wanga.

5. Bagamoyo, Saadani, Pangani, and Wanga, with all the coast situated between Dar-es-Salam and Wanga, and the territories belonging to them, with a depth of 3 miles: The line of demarcation, starting from a radius of 10 miles round Dar-es-Salam, would extend to the latitude of the town of Bagamoyo, and would then run straight to the village of M'toni, situated on the River Kingani, and after following the right bank of that river to a distance of 3 miles from the coast, it would run northwards and, keeping at a distance of 3 miles from the coast, as far as Cape Utoudwe, in order, from that point, and in a direct line,

(see p. 882); and by the Sultan of Zanzibar, by an Exchange of Notes, dated 3rd and 4th December, 1886 (see Zanzibar, p. 304). On the 28th November, 1884, Prince Bismarck assured Sir E. Malet that Germany was not endeavouring to obtain a Protectorate over Zanzibar; and in a Note which Sir E. Malet addressed to Count Hatzfeldt, on the 18th January, 1885, an explanation was given of the interest which the British Government felt in the maintenance of the sovereignty of the Sultan of Zanzibar, whose independence, it was stated, they desired to support. In this Note it was pointed out that, since the division in 1861 of the Kingdoms of Muscat and Zanzibar, under separate Sultans, Her Majesty's ships had kept the peace in Zanzibar waters, and had maintained an active and successful hostility against the Slave Trade, in the cause of humanity and civilization (Par. Pap. "Africa, No. 1 (1886)").

to become a tangent to a radius of 10 miles round the town of Saadani. At Saadani and Pangani the line of demarcation would radiate 10 miles round each point; the radii thus formed would be connected by a line running parallel to the coast, at a distance of 10 miles. From the Pangani radius the line of demarcation, striking this radius at a distance of 5 miles from the coast, would run in a northerly direction parallel to this, and would terminate at a point placed 5 miles to the west of Wanga.

Mombaze (Mombasa) and Takaungo.

6. Mombaze and Takaungo: The line marking the depth of the Possessions of the Sultan would proceed from the point specified to the West of Wanga, parallel to the coast, and at a distance of 5 miles from the latter, to the line of latitude of the mouth of the small river which runs into the Bay of Gazi to the south of the village of that name, where it would stop, in order to recommence, after a break corresponding with that of the coast, on a line of latitude to 2 miles to the north of the village of Gazi, and 5 miles from the coast. Continuing towards the north and parallel to the coast at a distance of 5 miles it would come into contact with a radius of 10 miles round Mombaze, and from the north of this radius, always at a distance of 5 miles from the coast, it would run into the right bank of the Kilifi, taking in Takaungo.

Malindi, Mambrui, Kau, Kipini, and Lamou.*

7. Malindi, Mambrui, Kau, Kipini, and Lamou: At Malindi and Mambrui the line of demarcation would radiate to 5 miles round each point. At Kau and Kipini the land under the Sultan's sway would be limited to that occupied by the town, and at Lamou the authority of His Highness would be confined to the island.

*Limits of Kismayu, Brava, Meurka, and Magadisho.**

8. Kismayu, Brava, Meurka, and Magadisho: The territory belonging to the Sultan does not extend beyond that circumscribed within the walls of those towns.

Reservation.

Express reservation is made by the three undersigned Delegates to refer to their respective Governments the claims of His Highness the Sultan of Zanzibar to the possession of the territories and countries to which the unanimous opinions contained in the present *procès-verbal* do not refer.

Done at Zanzibar, 9th June, 1886.

H. H. KITCHENER. SCHMIDT. LEMAIRE.

* See also Agreement between Great Britain and Germany, October—November, 1886, p. 882.

No. 262.—*PROTOCOL signed between the British and German Representatives respecting the rights of British Subjects in the South-West African Territories under German Protection. Berlin, 15th July, 1886.**

PROTOCOL.

THE Undersigned Commissioners, having met and discussed fully those British claims in the territories placed under German protection in South-west Africa, upon which Messrs. Bieber and Shippard, the Commissioners at Cape Town, had disagreed,† agree to submit to their Governments the following recommendations :—

1. *Ebony Mines.*

That if Robert Lewis or his assigns desire to work this mine, he or they be at liberty to do so, and to convey the ore to the coast until the 21st of September, 1898, without payment to and without hindrance or interference by the Colonial Company.

2. *Sandwich Harbour.*

That Mr. Anders Ohlson (trading as A. Ohlson and Co.) and Messrs. De Pass, Spence, and Co. respectively, be held to have acquired a full title in perpetuity for themselves and their assigns to the lands and buildings which they respectively have heretofore occupied in Sandwich Harbour for the purposes of the fishery, together with the right to each firm of taking at any time any other sites on the shore of this harbour, and of erecting buildings thereon, should the sand, as has happened before, shift so as to render useless the land which is now, or at any future time may be, occupied by the buildings ; it being understood that any site so taken becomes the absolute property of Messrs. De Pass, Spence, and Co., or of Mr. Ohlson, or their respective assigns, as the case requires, and that they have no further claim to the land which they previously occupied ; but that neither firm nor their assigns are entitled to take any site occupied by other persons, nor to take any site the occupation of which would interfere with other persons.

Sandwich Harbour. Coast Fishery.

That it should be further recognized that the firms of A. Ohlson and De Pass, Spence, and Co. have the right of coast fishery in Sandwich Harbour, and along the coast between Sandwich Harbour and the point 23° 20′ S. lat., 14° 31′ E. long., with the right of landing on and using for fishery purposes any part of the coast not in the private possession of third parties, subject always to the observance of any laws and regulations which may be issued by the competent authorities. The said firms shall not, however, have any right to hinder other persons

* H.T., vol. xvii, p. 1172. S.P., vol. lxxvii, p. 1042. Approved by British and German Governments (see p. 879).

† See S.P., vol. lxxv, p. 547.

from also fishing there, or from establishing themselves in Sandwich Harbour.

3. *Hottentot Bay.*

That Messrs. De Pass, Spence, and Co. have in like manner acquired a full title in perpetuity for themselves and their assigns to the guano deposits at Hottentot Bay, and to the land which they now occupy there for carrying on fishery or collecting of guano.

4. *Unnamed Islets and Rocks (Penguin Islands, Shark Islands, &c.). Expiry of Lease, 30th June,* 1895.

That Messrs. De Pass, Spence, and Co. and their assigns be free to make use, as they have hitherto done, of these islets and rocks, including Shark Island, without payment until the expiry of their lease, that is to say, until the 30th June, 1895; and if the British Government waive all claim to the sovereignty of these islands and rocks and acknowledge the sovereignty of Germany over them, then that the latter Power should consent to confer no private rights over them to any persons other than the lessees for the time being of the 12 British Islands named in the Letters Patent of the 27th February, 1867.*

Upon this understanding the British Commissioner will recommend his Government to acknowledge forthwith the sovereignty of Germany in these islets and rocks.

5. *Mainland Claims. Pomona Mine.*

That Messrs. De Pass, Spence, and Co. should be held to have acquired for themselves and their assigns a full title in perpetuity to the Pomona Mine, with two English miles of land round the mine on every side; and that they should have the right to use the lagoon for their vessels, and to make use of the land round the lagoon for all purposes as they have done hitherto, without payment and without hindrance or disturbance by the Colonial Company, and if irreconcilable disputes between the firm and the company should arise as to the proper exercise of these rights on land, then that the chief officer of the German Government within the Protectorate shall allot to Messrs. De Pass, Spence, and Co., or their assigns, sufficient land for the purposes of their business, conveniently situated on the shore of the lagoon, and that the land so allotted shall become the absolute property in perpetuity of the persons to whom the same is allotted, but that such allotting of land shall in no way affect or lessen their right to use the lagoon for their vessels.

CHARLES S. SCOTT.
R. KRAUEL.

Berlin, July 15, 1886.

* Ichaboe, Hollansbird, Mercury, Long Island, Seal Island, Penguin Island, Halifax, Possession Island, Albatross Rock, Pomona, Plum Pudding and Roast Beef (or Sinclair Island). S.P., vol. lxvii, p. 554. See also vol. lxxv, p. 551. See British South Africa (Cape Colony), p. 161. Bird Island is in Walfisch Bay, Shark Island in the Bay of Angra Pequeña.

Approval by the British and German Governments of the above Protocol.

(1.) *British Approval.* 23*rd October,* 1886.

M. LE SECRÉTAIRE D'ETAT,

Her Majesty's Government have had under their consideration the Protocol, signed by Dr. Krauel and Mr. Scott, containing the joint recommendation of the Imperial and British Commissioners for a settlement of certain outstanding British claims in the Imperial Protectorate of South-west Africa, in regard to which the Commissioners at Cape Town failed to arrive at an agreement. I have now the honour to inform your Excellency, by direction of Her Majesty's Principal Secretary of State for Foreign Affairs, that the arrangements embodied in the Protocol in question are approved and accepted by Her Majesty's Government. In acquainting your Excellency with this decision, I am to add that Her Majesty's Government would be glad to be informed whether the Imperial Government in like manner approve and accept the arrangement in question.

I have, &c.,
EDWARD E. MALET.

H.E. Count Bismarck.

(2.) *German Approval.*

(Translation.)

German Embassy, London,
November 13, 1886.

MY LORD,

IN a note of the 23rd ultimo the British Ambassador in Berlin informed the Imperial Government that his Government agreed to the proposals contained in the Protocol, the German version of which is herewith inclosed, respecting the rights of British subjects in the South-west African territories under German protection, which Protocol was signed on the 15th of July last by Mr. Scott, the First Secretary of the English Embassy in Berlin, and Dr. Krauel, Privy Councillor of Legation.

Sir Edward Malet stated, at the same time, that the British Government wished to be informed whether the Imperial Government also agreed to the proposals in question.

In reply, I am instructed to express the concurrence of my Government in the proposals made in the enclosed Protocol.

The Imperial Government is prepared to take the necessary steps to communicate the provisions of the Protocol to those interested, and as far as necessary to superintend the execution of those provisions through the Imperial officials in the protected territory.

I have, &c.,
v. HATZFELDT.

The Earl of Iddesleigh.

No. 263.—*SUPPLEMENTARY ARRANGEMENT between Great Britain and Germany, relative to their respective Spheres of Action in the Gulf of Guinea. 27th July—2nd August,* 1886.*

(1.) *The Earl of Rosebery to Count Hatzfeldt.*

M. l'Ambassadeur, *Foreign Office, 27th July,* 1886.

On the 29th April, 1885,† Earl Granville notified to his Excellency Count Münster the adherence of Her Majesty's Government to an Arrangement under which a specified line of demarcation would separate the districts on the Gulf of Guinea within which Great Britain and Germany would respectively be free to acquire territory, accept Protectorates, and exercise influence. On the 7th of the ensuing month Count Münster notified the acceptance of the Arrangement by the German Government.‡

The line agreed upon follows in the interior the right river-bank of the Rio del Rey§ from the mouth of the river to its source, thence strikes direct to the left river-bank of the Old Calabar, or Cross River, and terminates, after crossing that river, at the point, about 9° 8′ of longitude east of Greenwich, marked "Rapids" on the English Admiralty Chart.

The German Government have proposed an extension of the line into the interior. Her Majesty's Government have accepted the proposal. The suggestions of Her Majesty's Government as to the direction which the extended line should take, and as to its limitation, have been adopted by the German Government.

I have, consequently, now formally to state that Her Majesty's Government are prepared, on receiving the assent of the German Government, to agree to an extended line of demarcation, which, starting from the point on the left river-bank of the Old Calabar or Cross River, where the original line terminated, shall be continued diagonally to such a point on the right bank of the River Benue to the east of, and close to, Yola,‖ as may be found on examination to be practically suited for the demarcation of a boundary.

Her Majesty's Government undertake to apply to the districts to the west of the extended line the assurances as to the regulation of trade given in Earl Granville's note of the 16th May, 1885,¶ provided that the German Government give reciprocal assurances as regards the districts to the east of the line corresponding with those given in Count Münster's note of the 2nd June, 1885.**

* S.P., vol. lxxvii. p. 1049. See also Agreements, 1st July, 1890, p. 899; 14th April, 1893, p. 910; 15th November, 1893, p. 913; and 19th March, 1906, p. 937.
† Page 868.
‡ Page 869.
§ Rio del Rey Creek. See Agreements, 1st July, 1890, Art. IV, § 2, p. 903, and 14th April, 1893, p. 910.
‖ See Agreements, 15th November, 1893, p. 913, and 19th March, 1906, p. 937.
¶ Page 871.
** Page 872.

I should be glad to receive from your Excellency a formal notification that the German Government accept the line and give the requisite assurances.

I have, &c.,
ROSEBERY.

(2.) *Count Hatzfeldt to the Earl of Rosebery.*

(Translation.)]

My Lord, *German Embassy, 2nd August,* 1886.

Supplementing the notes of the 29th April and 7th May of last year, exchanged between Count Münster and Lord Granville respecting the delimitations of the German and English spheres of interest on the Gulf of Guinea,* your Lordship was so good as to inform me, in the note of the 27th ultimo, that the Royal Government of Great Britain is ready to undertake with the Imperial Government a further delimitation in those territories. In the above note an Agreement is proposed in substance as follows :—

From the terminal point, indicated in the English Admiralty Chart, as "Rapids," of the original frontier-line fixed by the 29th April and 7th May of last year,† shall be produced a further line, which, starting from the Old Calabar rapids, shall pursue a diagonal direction towards a point on the right bank of the River Benue, situate to the east, and in the immediate vicinity of the town of Yola, and which shall prove, upon investigation, to be practically suitable for the determination of this line.‡

The Government of Her Majesty the Queen gives the assurance that the Regulations respecting trade, as laid down in Lord Granville's note of the 16th May, 1885,§ shall also apply to the territory lying to the west of the new prolonged boundary-line, provided that the Imperial Government tenders an assurance analogous to that of Count Münster's note of the 2nd June, 1885,|| for the districts situate to the east of the new line.

Your Lordship was so good as to add that the Royal Government of Great Britain is prepared to acknowledge the above Agreement as binding, if it meets the consent of the Imperial Government. I am accordingly charged, and have the honour to reply to your Lordship, that the Imperial Government gives its assent to the Agreement proposed by your Lordship.

With, &c.,
v. HATZFELDT.

* Page 868.
† See Agreement, 29th April—16th June, 1885, p. 868.
‡ See Notifications, British Protectorate of the Niger Districts, 5th June, 1885, p. 123, 18th October, 1887, p. 127, and 13th May, 1893, p. 154. See also Arrangement, 15th November, 1893, p. 913; and Agreement, 19th March, 1906, p. 937.
§ Page 871.
|| Page 872.

No. 264.—*AGREEMENT between the British and German Governments, respecting the Sultanate of Zanzibar and the opposite East African Mainland, and their Spheres of Influence. 29th October—1st November,* 1886.*

(1.) *Count Hatzfeldt to the Earl of Iddesleigh.*

(Translation.)

My Lord, *German Embassy, London, 29th October,* 1886.

The Government of His Majesty the Emperor and that of Her Britannic Majesty having agreed to regulate various questions connected with the Sultanate of Zanzibar and the opposite East African mainland by means of a friendly understanding, verbal communications have with this object taken place, at which the following articles have been agreed upon :—

Recognition of Sovereignty of Sultan of Zanzibar over Islands of Zanzibar, Pemba, Lamu, Mafia, &c.

1. Germany and Great Britain recognize the sovereignty of the Sultan of Zanzibar over the Islands of Zanzibar and Pemba, and over the smaller islands which lie in the neighbourhood of the above within a radius of 12 sea miles, as well as over the Islands of Lamu and Mafia.†

Recognition of Sultan of Zanzibar's Sovereignty over certain Territories on the mainland.

On the mainland† they likewise recognize as possessions of the Sultan a line of coast which stretches without interruption from the Minengani River at the head of Tunghi Bay to Kipini. This line commences on the south of the Minengani River, follows the course of that river for 5 sea miles, and continues thence on the line of latitude to the point where it strikes the right bank of the Rovuma River, crosses the Rovuma, and runs down its left bank.

The coast-line has an internal depth of 10 sea miles measured from the coast direct into the interior from high-water mark.

Kau.

The northern limit includes Kau.

Kismayu, Brawa, Meurka, Magadisho and Warsheik.

To the north of Kipini the said Governments recognize as belonging to the Sultan the stations of Kismayu, Brawa, Meurka, and Magadisho, with radii landwards of 10 sea miles, and of Warsheik with a radius of 5 sea miles.†

* S.P., vol. lxxvii, p. 1130. The Sultan of Zanzibar adhered to this Agreement on the 4th December, 1886, see p. 887.

† See Agreement, 1st July, 1890, p. 899.

Leasing to German African Company of Customs Duties at Dar-es-Salaam and Pangani.

2. Great Britain engages to support negotiations of Germany with the Sultan for the leasing to the German African Company of the customs duties at the ports of Dar-es-Salaam* and Pangani, in return for an annual payment to the Sultan by the Company.

Respective Spheres of Influence to be defined.

3. Both Powers agree to establish a delimitation of their respective spheres of influence on this portion of the East African Continent of the same character as that to which they have agreed as regards the territories on the Gulf of Guinea.†

Territory referred to in Arrangement.‡

The territory to which this arrangement applies is bounded on the south by the Rovuma River, and on the north by a line which, starting from the mouth of the Tana River, follows the course of that river or its affluents to the point of intersection of the Equator and the 38th degree of east longitude, thence strikes direct to the point of intersection of the 1st degree of north latitude with the 37th degree of east longitude, where the line terminates.

Line of Demarcation.

The line of demarcation starts from the mouth of the River Wanga or Umbe, runs direct to Lake Jipé, passes thence along the eastern side and round the northern side of the lake and crosses the Lumi River ;

Taveita and Chagga (Kilimanjaro District).

After which it passes midway between the territories of Taveita and Chagga, skirts the northern base of the Kilimanjaro range, and thence is drawn direct to the point on the eastern side of Lake Victoria Nyanza which is intersected by the 1st degree of south latitude.

Mutual Engagements to respect Spheres of Influence.

Germany engages not to make acquisitions of territory, accept Protectorates, or interfere with the extension of British influence to the north of this line ; and Great Britain makes the same engagement as regards the territories lying to the south of this line.

Kilimanjaro Districts.

4. Great Britain will use her good offices to promote a friendly arrangement of the rival claims of the Sultan and the German East African Company to the Kilimanjaro districts.§

* The German flag was hoisted 1st January, 1891.

† See Supplementary Agreement, Great Britain and Germany, $\frac{27\text{th July,}}{2\text{nd Aug.,}}$ 1886, p. 880.

‡ See note, respecting the Island of Lamu, p. 885.

§ See p. 887.

*Witu.**

5. Both Powers recognize as belonging to Witu the coast-line which commences to the north of Kipini and continues to the northern extremity of Manda Bay.

Invitation to Sultan of Zanzibar to accede to Berlin Act.

6. Great Britain and Germany will jointly invite the Sultan to accede to the Act of Berlin, 26th February, 1885 (**No. 128**), with reservation of His Highness' existing rights under the 1st Article of the Act.†

Adhesion of Germany to Declaration between Great Britain and France of 10th March, 1862.

7. Germany engages to adhere to the Declaration signed by Great Britain and France on the 10th March, 1862 (**No. 222**), with regard to the recognition of the independence of Zanzibar.‡

Having brought the foregoing articles to the knowledge of my Government, I am now authorized to declare their acceptance in the name of the Imperial Government, provided that Her Majesty's Government also make a similar declaration of their acceptance.

I have, &c.,
HATZFELDT.

(2.). *The Earl of Iddesleigh to Count Hatzfeldt.*

M. l'Ambassadeur, *Foreign Office, 1st November,* 1886.

I have had the honour to receive your Excellency's note of the 29th ultimo, in which you inform me that you are authorized to accept, on behalf of the Imperial Government, the following Articles of Agreement respecting Zanzibar and the adjoining territories, provided that they are accepted by Her Majesty's Government :—

Recognition of Sovereignty of Sultan of Zanzibar over Islands of Zanzibar and Pemba, Lamu, Mafia, &c.

1. Great Britain and Germany recognize the sovereignty of the Sultan of Zanzibar over the Islands of Zanzibar and Pemba, and over the smaller islands which lie in the neighbourhood of the above within a radius of 12 sea miles, as well as over the Islands of Lamu and Mafia.§

Recognition of Sultan of Zanzibar's Sovereignty over certain Territories on the mainland.

On the mainland* they likewise recognize as the possession of the Sultan a line of coast which stretches without interruption from the Minengani River at the head of Tunghi Bay to Kipini. This line com-

* See Agreement, 1st July, 1890, p. 899.

† For adhesion of the Sultan of Zanzibar to the Berlin Act, dated 8th November 1886, see p. 314.

‡ See Note, page 886, and Agreement, Great Britain and France, 5th August, 1890, p. 738.

§ See Agreement, 1st July, 1890, p. 899, and note, p. 885.

mences on the south of the Minengani River, follows the course of that river for 5 sea miles, continues thence on the line of latitude to the point where it strikes the right bank of the Rovuma River, crosses the Rovuma, and runs down its left bank.

The coast-line has thence an internal depth of 10 sea miles measured from the coast direct into the interior from high-water mark.

Kau.

The northern limit includes Kau.

Kismayu, Brawa, Meurka, Magadisho and Warsheikh.

To the north of Kipini the said Governments recognize as belonging to the Sultan the stations of Kismayu, Brawa, Meurka, and Magadisho with radii landwards of 10 sea miles, and of Warsheik with a radius of 5 sea miles.*

Leasing to German African Company of Customs Duties at Dar-es-Salaam† and Pangani.

2. Great Britain engages to support negotiations of Germany with the Sultan for the leasing to the German African Company of the customs duties at the ports of Dar-es-Salaam and Pangani, in return for an annual payment to the Sultan by the Company.

Respective Spheres of Influence to be defined.

3. Both Powers agree to establish a delimitation of their respective spheres of influence on this portion of the East African Continent of the same character as that to which they have agreed as regards the territories on the Gulf of Guinea.‡

Territory referred to in the Arrangement.§

The territory to which the arrangement applies is bounded on the south by the Rovuma River, and on the north by a line which, starting from the mouth of the Tana River, follows the course of that river or its affluents to the point of intersection of the Equator and the 38th degree of east longitude, thence strikes direct to the point of intersection of the 1st degree of north latitude with the 37th degree of east longitude, where the line terminates.

Line of Demarcation.

The line of demarcation starts from the mouth of the River Wanga or Umbe, runs direct to Lake Jipé, passes along the eastern side and round the northern side of the lake and crosses the Lumi River.

* See Agreement, 1st July, 1890, p. 899.

† The German flag was hoisted 1st January, 1891.

‡ See Agreement, $\frac{27\text{th July,}}{2\text{nd Aug.,}}$ 1886, p. 880.

§ Differences having arisen between the British East Africa Company and the German Company of Witu as to the Island of Lamu, they were referred by the British and German Governments to the arbitration of Baron Lambermont, Belgian Minister of State, who pronounced his Award on the 17th August, 1889, see p. 891.

Taveita and Chagga (Kilimanjaro District).

After which it passes midway between the territories of Taveita and Chagga, skirts the northern base of the Kilimanjaro range, and thence is drawn direct to the point on the eastern side of Lake Victoria Nyanza which is intersected by the 1st degree of south latitude.

Mutual Engagement to respect Spheres of Influence.

Great Britain engages not to make acquisitions of territory, accept Protectorates, or interfere with the extension of German influence to the south of this line; and Germany makes the same engagement as regards the territories to the north of this line.

Kilimanjaro Districts.

4. Great Britain will use her good offices to promote a friendly arrangement of the rival claims of the Sultan and the German East African Company to the Kilimanjaro districts.*

Witu.†

5. Both Powers recognize as belonging to Witu the coast-line which commences to the north of Kipini, and continues to the northern extremity of Manda Bay.

Invitation to Sultan of Zanzibar to accede to the Berlin Act.

6. Great Britain and Germany will jointly invite the Sultan to accede to the Act of Berlin (**No. 128**) with reservation of His Highness' existing rights under the 1st Article of the Act.‡

Adhesion of Germany to Declaration between Great Britain and France of 10th March, 1862.

7. Germany engages to adhere to the Declaration signed by Great Britain and France on the 10th March, 1862 (**No. 222**), with regard to the recognition of the independence of Zanzibar.§

I have to declare on behalf of Her Majesty's Government their Acceptance of the above Articles of Agreement.

I have, &c.,
IDDESLEIGH.

* See p. 887. See also Agreements, Great Britain and Germany, 1st July, 1890. Article I, p. 899, and 25th July, 1893, p. 911.

† See Agreement, Great Britain and Germany, 1st July, 1890, p. 899.

‡ The Sultan of Zanzibar acceded to the Berlin Act on the 8th November, 1886. See p. 314.

§ In a note addressed by the French Ambassador, M. Waddington, to the Marquis of Salisbury, on the 29th September, 1885, it was stated that the Cabinet of Berlin had recently informed the French Government of their adherence to the Anglo-French Declaration of 1862, with regard to the Independence of Zanzibar; and by Notes exchanged at Paris between the British Ambassador and the French Minister for Foreign Affairs on the 27th November and 8th December, 1886, the French Government announced that they made no objection to the understanding come to between Great Britain and Germany as to the limits of the Sultanate of Zanzibar (see Art. I of Agreement of $\frac{29\text{th October,}}{1\text{st November,}}$ 1886, p. 882), or to the adhesion of Germany to the Declaration between Great Britain and France of 10th March, 1862. See also Agreement, Great Britain and France, 5th August, 1890, p. 738.

No. 265.—*ADHESION of Sultan of Zanzibar to Agreement between Great Britain and Germany of* $\frac{29th\ October,}{1st\ November,}$ 1886. *4th December,* 1886.*

With regard to our accepting that this part of our kingdom should be taken from us and given to Germany, we hope that the two Governments will do what is just according to this Agreement, namely, to protect our kingdom from being divided among them by other nations, and then, in consequence of the friendly way in which the two Governments of Great Britain and Germany have asked us to adhere to their Agreement, we are ready to give our adhesion, and for that purpose we have given Mohammed-bin-Salim Mauli full powers to represent us before you and sign the official Convention settling the whole question without delay.

This is from your friend.

BARGASH-BIN-SAID.

4th December, 1886.

No. 266.—*AGREEMENT between Great Britain and Germany, respecting the establishment of Trading Stations within their respective Spheres of Influence in East Africa. March,* 1887.†

Note Verbale addressed by the British Ambassador at Berlin to the German Minister for Foreign Affairs, March 19th, 1887.

Her Majesty's Government have received with much satisfaction the Memorandum communicated by Count Hatzfeldt on the 8th instant, stating that the German East African Company have been informed that any territorial acquisitions they may make or any claims they may put forward in those parts of East Africa which have been declared within the sphere of British interests will not be acknowledged by the Imperial Government, and that the Company must abstain altogether from sending expeditions to those parts. The Memorandum further explains that Count Pfeil's instructions from the Company had been to take charge of a trading-station at Tanganyika, on the River Kilifi, which is within the British sphere.

With regard to the question of trading-stations, Sir E. Malet is directed by Her Majesty's Principal Secretary of State for Foreign Affairs to state that, in his Lordship's opinion, it was not the intention of either Government to restrict the subjects of the other from *bonâ fide* trading operations within the sphere assigned to it. Her Majesty's Government will therefore be prepared to admit the principle that German subjects may establish trading-stations within the British sphere, and acquire land necessary for the purposes of such stations,

* See also Exchange of Notes between Great Britain and Zanzibar, of 3rd–4th December, 1886, p. 304.

† S.P., vol. lxxviii, p. 1051.

on the understanding that claims to political, sovereign, or exclusive rights, founded on Agreements with native Chiefs or otherwise, are inadmissible, and provided that the Imperial Government admit the same principle as regards British subjects in the German sphere.

This understanding would, of course, specially apply to the coast only. As regard the interior, differential treatment in either sphere is prohibited, as regards traders, by the Article of the Act of Berlin applying to territory in the Free Zone (**No. 128**), while the exercise of political influence in the sphere of either country is forbidden to the other by the Anglo-German Agreement (**Nos. 260, 262**).

Berlin, March 19, 1887.

[The German Government did not reply to this *Note Verbale.*]

No. 267.—*AGREEMENT between Great Britain and Germany, respecting the Discouragement of Annexations in Rear of their Spheres of Influence in East Africa. July,* 1887.*

The Marquis of Salisbury to Sir E. Malet.

Foreign Office, 2nd July, 1887.

SIR,

BARON VON PLESSEN called at this Office on the 22nd ultimo and stated that the German East African Association had addressed a Petition to the Imperial Government, in which they expressed their apprehensions lest the expedition undertaken by Mr. Stanley for the relief of Emin Pasha should, after effecting its purpose, be utilized for the establishment, or paving the way for the establishment, of English Protectorates at the back of the German sphere of action in East Africa.

The German Government, Baron von Plessen explained, did not share the apprehension of the Company, inasmuch as in the negotiations of last October respecting the delimitation of the English and German spheres of influence in Eastern Africa (**No. 264**), the main question was the arrangement of a line of demarcation, on the north of which the English were free to operate, while the Germans were to operate on the south of it. England expressly engaged not to acquire Possessions, accept Protectorates, or oppose the extension of German influence to the south of the line of demarcation; and although it was true that no special geographical line had been expressly fixed by agreement for the delimitation to the west, Baron von Plessen said that the Imperial Government had started from the idea that England would leave Germany a free hand for the future in the territories south of the Victoria-Nyanza Lake, and, without interfering with the territories lying to the east of the Lakes Tanganyika and Nyassa at the back of the German Protectorate, would confine herself to opening up the territories lying to the north of the agreed

* S.P., vol. lxxviii, p. 1047. See also Note, p. 915.

line. As, however, rumours had reached the Imperial Government that Mr. Mackinnon, who had largely contributed to the Emin Pasha Expedition, was not alone actuated by purely philanthropic aims, but also entertained views of a commercial and political character, which rumours harmonized with the telegraphic report received from Zanzibar, that he was treating with the Sultan for the collection of customs at Mombasa, Baron von Plessen stated that his Government had deemed it expedient to lay an early explanation of their views on this question before Her Majesty's Government.

I have to instruct your Excellency with regard to this communication to at once inform the German Government that Her Majesty's Government take the same view of the question as is entertained at Berlin, and are prepared to discourage British annexations in the rear of the German sphere of influence, on the understanding that the German Government will equally discourage German annexations in the rear of the British sphere.

I have further to request your Excellency to assure the Imperial Government that there is no cause to apprehend that Mr. Stanley's expedition will be used as a means of interference with the territory under German influence, or in the rear of it; and to explain that Mr. Mackinnon's negotiations are merely connected with the scheme of English capitalists for opening up the interior in what is now the British sphere, which was frequently referred to in the discussions between the two Governments respecting the Delimitation Commission.

I am, &c.,

SALISBURY.

Sir E. Malet.

(2.)—*Mr. Scott to the Marquis of Salisbury.*

Berlin, 8th July, 1887.

My Lord,

I have the honour to state that, in compliance with the instructions of your Lordship's despatch of the 2nd instant, I informed Count Bismarck to-day that, in reply to a verbal communication made at the Foreign Office by Baron Plessen in regard to certain apprehensions of the German East African Company in connection with Mr. Stanley's expedition for the relief of Emin Pasha, I had been instructed by your Lordship to lose no time in stating to his Excellency that Her Majesty's Government took the same view as the German Government of the intention of the Agreement for delimiting the two spheres of influence in Eastern Africa, and that they were prepared to discourage British annexations in the rear of the German sphere, on the understanding that the German Government would equally discourage German annexations in the rear of the British sphere.

I said I had also been instructed to reassure him in regard to Mr. Stanley's expedition.

That there might be no misunderstanding on this point, I ventured to read the whole of your Lordship's despatch to his Excellency.

Count Bismarck replied that your Lordship's explanation was clear and most satisfactory, and he begged me to convey his sincere thanks for the communication.

Baron Plessen, his Excellency added, had been quite correct in stating that the German Government had not shared the apprehensions of the Company, but he had thought it more advisable and conformable with the good understanding between the two Governments to have no concealments on these questions, but to invite a frank exchange of views on this subject, in order to be able authoritatively to set all such apprehensions at rest.

At Count Bismarck's desire I have repeated my communication to him in writing, and for that purpose I have employed, *mutatis mutandis*, the exact text of your Lordship's despatch.

I have, &c.,
CHARLES S. SCOTT.

The Marquis of Salisbury.

No. 268.—*JOINT RECOMMENDATIONS of the British and German Commissioners, with regard to the future Limits of British and German Protectorates and Spheres of Influence in the Territories lying in the Interior of the Gold Coast Colony and the German Togo Protectorate.** *December*, 1887.

1. That the boundary line laid down in the Agreement signed by the German and British Commissioners on the 14th July, 1886, should be continued in such a manner as to include within the German Protectorate the territories of Towe, Kowe, and Agotime, and to leave within the British Protectorate the countries of Aquamoo and Crepee (or Peki).

The exact definition of this boundary to be hereafter determined, if necessary, by a joint commission on the spot.

2. That between the northern limit of the territory of Crepee and the mouth of the River Daka, the River Volta shall form the line of demarcation between the spheres of influence of the two countries, Great Britain undertaking not to acquire any protectorates to the east of that river, and Germany entering into a similar agreement with regard to the territories to the west.

3. That a conventional line be drawn on the latitude of the mouth of the River Daka, and that the two Governments shall mutually agree to regard the territories lying to the north of this line, within the limits marked on the accompanying map,† as neutral ground, and to abstain from seeking to acquire within them protectorates or exclusive influence.

* See Art. IV of Agreement of 1st July, 1890, p. 903.
† Not given.

4. If the second of these recommendations is adopted, the Commissioners are of opinion that an agreement might properly be concluded that, in the event of Germany extending her protectorate up to the River Volta within the limits mentioned, the Imperial Government will engage not to levy duties upon goods in transit, nor to place any other impediment in the way of trade between the British Protectorate and the interior; the British Government undertaking on their part, *in the event of the extension of the German Protectorate above mentioned*, not to levy transit duties within their Protectorate east of the River Volta upon goods passing from the German Protectorate into other districts east of the Volta, not being British, or from the same into the German Protectorate.

[Approved by the British Government, 12th March, and by the German Government, 14th March, 1888.]

See also Boundary Agreements between Great Britain and Germany, 1st July, 1890, Art. IV, p. 903, 14th November, 1899, Art. V, p. 920, 25th June, 1904, p. 935, and Notes on the Frontier between the Gold Coast Colony and Togoland, p. 77.

No. 269.—*BELGIAN AWARD on the Disputes between the British East Africa Company and the German Witu Company respecting the Farming of Customs and the Administration of the Island of Lamu. 17th August*, 1889.

AWARD given on the 17th August, 1889, by Baron Lambermont, Minister of State of his Majesty the King of the Belgians, on the subject of the Island of Lamu.

WE, Baron Lambermont, Minister of State of His Majesty the King of the Belgians:

Having accepted the appointment of Arbitrator which has been conferred on us by the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, and by the Government of His Majesty the Emperor of Germany, King of Prussia, with reference to a dispute which has arisen between the Imperial British East African Company and the German Witu Company:

Animated by the sincere desire to respond, by a scrupulous and impartial decision, to the confidence which the two Governments have shown in us:

Having for that purpose duly examined and maturely considered the documents which have been produced on either side:

And desiring to give a decision upon the subject of the dispute, which is the farming of the customs, and the administration of the Island of Lamu situate on the East Coast of Africa:

One of the parties claiming for the German Witu Company priority of right as to such farming:

The other contending that the late Sultan and the present Sultan of Zanzibar undertook to concede the said farming to the Imperial British East Africa Company, and that the objections raised on the part of Germany are not of a nature to place any obstacle in the way of the Sovereign of the Island of Lamu fulfilling the obligations contracted by his predecessor and himself toward that Company.

I.

Considering that in the Memorandum presented by the Imperial German Government, the right of the Witu Company is, in the first place, stated to be derived from the Convention made on the 29th October and 1st November, 1886, between Germany and England (**No. 264**), and from the signification said to have been attached to that Agreement by the contracting Powers.

Whereas the said Convention circumscribed the area to which it is to apply within expressly determined limits, namely—starting from the sea—the Rovuma on the south and the Tana on the north.

Whereas it then divided this space into two zones, separated by a line of demarcation following the Wanga or Umbe.

Whereas of these two zones, one is allotted exclusively to German influence, which is to be exercised to the south of the line of demarcation, and the other exclusively to English influence, which is to be exercised to the north of the said line.

Whereas the respective limits of the two zones of influence are thus clearly fixed, and are formed by the line of demarcation and perimeter, beyond which they cannot extend without going out of the territory subject to the arrangement.

Whereas, to draw from the spirit or sense of the Convention an inference which does not arise from its text, and which would attribute to Germany exclusive freedom of action in the territories situate to the north of the Tana, it would be necessary that a special and fresh agreement should be made to that effect between the Contracting Powers, and should be duly proved.

Whereas no document is produced proving the existence of such an agreement.

And whereas such proof does not arise from the Note of the British Government, dated 7th September, 1888, inasmuch as, in admitting that the sphere of English influence does not extend as far as the River Osi, that document is in perfect harmony with the terms of the 1886 arrangement, which limits its application to the territories comprised between the Rovuma and the Tana.

For these reasons:

We are of opinion that—save the clause which acknowledges as belonging to the Witu territory the strip of coast between Kipini and the northern end of the Bay of Manda—the Anglo-German agreement of the 29th October and 1st November, 1886 (**No. 264**), does not extend its effects either beyond the Tana or beyond the Rovuma, and does not give either of the parties a preferential right as to the

farming of the customs, and the administration of the Island of Lamu, which is situated beyond the limits within which the said arrangement is, according to its own terms, to have its application.

II.

Considering that, according to the German Memorandum, the Islands of the Bay of Manda, from a geographical point of view, belong to the Witu country, of which they are said to be the prolongation; that, looked upon from a commercial standpoint, the Island of Lamu is the place of deposit for the goods which come from the Witu country, or which are intended for that German possession; and lastly, that its connection with the continent still further appears in regard to judicial or political order, by reason of the manifold relations of the inhabitants of the island with the continent, and the questions of ownership, or of cultivation connected therewith; the whole of these facts demonstrating that the administration of the island must be intrusted to the same hands as have the administration of the continent;

Considering that, on the other hand, the English Memorandum represents the Island of Lamu as having for a long time past been a mart for British commerce, a place where the steamers of the British India Company trading to East Africa touch, and a centre of commerce which is almost exclusively in the hands of English merchants.

WHEREAS no argument drawn from the proximity of the continent could, so far as regards the Island of Lamu, prevail against the formal clause of the Anglo-German agreement of the 29th October and 1st November, 1886 (**No. 264**), which places that island amongst the possessions, the sovereignty of which is acknowledged in the Sultan of Zanzibar.

And if considerations based upon financial and administrative interests or upon political convenience can show the advantages or the disadvantages offered by a solution in conformity with the views of one or the other of the parties, such reasons do not rank as a mode of acquisition recognised by international law.

For these reasons:

We are of opinion that neither the geographical connection, nor the commercial connection, nor the political interest, properly so called, placed either of the parties in a position to claim, as a right, the cession of the customs and the administration of the Island of Lamu.

III.

The questions of a prejudicial character being thus decided and the discussion being reduced to the question of the engagements said to have been entered into by the Sultans of Zanzibar towards the two parties:

Considering that it is necessary to examine whether and to what extent the engagements invoked by the two parties combine the conditions necessary for the proof of their existence and validity:

As regards the German Witu Company:

Considering that, on the 10th December, 1887, the German Consul-General and Mr. Toeppen, the representative of the Witu Company, had an audience of the Sultan Seyyid Barghash, of which audience the Consul-General gave an account to his Government by a report, which is not produced, but the analysis of which in the German Memorandum ends with these words: "The result of this interview expanded may be summed up in this sense, that the Sultan declared himself to be at once ready ('sofort sich hereit erklärte') to grant the Concession for the Islands of Manda Bay to the Witu Company, as soon as the other arrangement with the German East Africa Company should be concluded, and that he only desired to retain his freedom of action for the fixing of one method or the other of indemnifying him in money"; and that in his letter of the 16th November, 1888, to the Sultan Seyyid Khalifa, the Consul-General expresses himself thus: "I take the liberty of recalling the fact that, under Seyyid Barghash, negotiations were already carried on for a concession of the islands of Manda Bay to the German Witu Company, of which Mr. Toeppen is the representative at Lamu. Seyyid Barghash received Mr. Toeppen in my presence, and showed himself ready to assume such an engagement ('Seyyid Barghash hat seine Bereitwilligkeit ein derartiges Abkommen zu treffen ausgesprochen') as soon as the Convention with the East African Company should have been concluded."

Whereas the expressions made use of by the Sultan, taken in their natural sense, would imply the intention of concluding a Convention.

Whereas in order to transform this intention into unilateral promise, availing as a Convention, the harmony of wishes ought to have been manifested by the express promise of one of the parties, together with the acceptance of the other party, and this harmony of wishes should have applied to the essential elements which constitute the subject of the Convention.

Whereas in case such as the one in question, the farming of the customs and administration of a territory or a port must be a mutual contract, comprising on the part of the lessor the cession of the exercise of sovereign rights, which may be formulated in very different manners as regards their subject and their duration, and consisting on the part of the lessee of a fixed or proportionate royalty.

Whereas in the words attributed to the Sultan, such as they are summed up by the German Memorandum and reproduced in the letter of the German Consul-General of the 16th November, 1888, the essential conditions of the contract to be entered into are not fixed.

Whereas, if no law prescribes any special form for Conventions between independent States, it is none the less contrary to international usages to contract verbally engagements of that nature and of that importance.

Whereas the adoption of the written form is particularly necessary in dealings with the Governments of but little-civilized nations, which often only attach binding force to promises made in a solemn form or in writing.

Whereas, especially in this case, the existence of a verbal Conven-

tion should be shown by formal stipulations, and one could not, without grave detriment to the security and facility of international relations, infer it from the simple statement that one is ready to grant a concession ;

Whereas no other documents written about the period in question are produced but the letter dated 21st November, 1887, in which the German Consul-General transmitted to Sultan Seyyid Barghash the proposal of Mr. Toeppen, and the acknowledgment of the receipt by the Sultan, dated the same day, and which said nothing about the actual issue.

Whereas between the 10th December, 1887, the date of the promise alleged to have been made by the Sultan, and the 28th March, 1888, the date of his death, there is not produced any document, or any written or verbal indication emanating from His Highness, showing or implying his consent to the proposal of the representative of the Witu Company.

Whereas, according to the reiterated assurances of the present Sultan, given both to the German Consul-General and to the English Consul-General, no trace of such acquiescence has been discovered either in the archives of the Sultanate or in the recollection of the employees, and though the written documents just above mentioned have been found, Sultan Seyyid Barghash's acknowledgment of receipt showed that at that date His Highness had decided nothing.

Whereas, therefore, whatever sense one may attach to the words of Sultan Seyyid Barghash, proof of the opening of the negotiations only has been furnished ; and as regards the engagement itself, although it is mentioned in the letter which the German Consul-General wrote to the Sultan on the 16th November, 1888, and though it is referred to in the despatch addressed by that official to his own Government after the audience of the 10th December, 1887, it must be a principle, in international as in all other affairs, and irrespective of any question of good faith, that one cannot create a title for one's self.

Whereas, lastly, however worthy of confidence the Consular Agent may be, and putting his good faith absolutely out of the question, the words of Sultan Seyyid Barghash were spoken in Arabic and gathered and translated by a dragoman, without it being possible to check the accuracy of such translation, and their interpretation was neither confirmed by the Sultan nor acknowledged by his successor ;

For these reasons :

We are of opinion that proof of the engagement said to have been contracted by Sultan Seyyid Barghash on the 10th December, 1887, to lease the customs and the administration of the Island of Lamu to the German Witu Company, is not furnished with the proper sufficiency.

That consequently the said Company cannot found any preferential or prior right upon the declarations of the Sultan in the course of the interview which took place at that date.

Considering that it is necessary to examine whether the facts which have occurred since the accession of the present Sultan have not modified the soundness of these conclusions ;

Whereas, according to the German Memorandum, Sultan Seyyid Khalifa is said to have declared to the German Consul-General, in June, 1888, that he would not grant any further Concession without having come to an understanding with the representatives of Germany and of England, and according to the letter of the German Consul-General to the Sultan dated the following 16th November, the latter had assured him that there was as yet no English proposal, and that if any should be put forward, he would ask the opinion of the German Consul-General in advance.

Whereas, in his letter of the 12th January, 1889, to the said Consul-General, Seyyid Khalifa denies that he made or could have made such declarations, saying that the mistake might in his opinion have arisen from a misunderstanding attributable to the dragoman; and in his letter of the 16th of the same month to the English Consul-General, which letter is inserted in the English Memorandum, His Highness repeated his denials.

Whereas, without putting in question the good faith of the parties, one can and must acknowledge that the declarations in question could not in themselves have conferred any right on the Witu Company to the Island of Lamu.

And moreover, as regards their bearing in other respects, they would come, by reason of their form, within the application of the principles above enunciated.

For these reasons:

We are of opinion that the facts subsequent to the interview of the 10th December, 1887, have not altered the bearing of that interview as defined in the foregoing conclusions.

As regards the Imperial British East Africa Company:

Considering that, according to the English Memorandum, the Sultans of Zanzibar have, since 1887, constantly held at the disposal of Mr. William Mackinnon, his partners, and the future British Company a concession of territories, including the Island of Lamu; that the said concession, far from being ever rejected or withdrawn, is said to have been accepted from time to time with regard to certain parts of these territories, the remainder, and particularly Lamu, having been reserved for the subsequent disposal of the said persons and Company.

Whereas the Contract of cession which should form the basis of these promises is represented only by a draft, which bears neither date nor signature;

Whereas, in that form, it can only be looked upon as a proposal made to Sultan Seyyid Barghash, without it being proved that such proposal was transformed into a Concession from his Highness to Mr. Mackinnon or into a general promise to cede the administration from the Sultanate to the English Company, which promise the said Company had successively accepted for the various parts of the territories belonging to the Sultan.

Whereas none of the subsequent documents alleged by the English Company directly and clearly mentions this project, which was never commenced to be carried out.

Whereas the evidence of General Mathews, commander of the Sultan's troops, which is recited in the English Memorandum and was taken on oath on the 23rd January, 1889, mentions *negotiations* entered into about nine years previously and carried on up to the beginning of 1887, but does not cite any Convention concluded during that period.

Whereas the document in solemn form delivered by Sultan Seyyid Barghash to the English Consul-General under date of the 6th December, 1884, would have been useless if the Draft of 1877 had had the force of a contractual promise absolutely binding the Sultan towards the Imperial British Company.

Whereas it is not possible, with the aid of the documents produced, to connect with that draft, by a direct link showing the execution of a previous perfect and valid Convention, the negotiations which were resumed by Mr. Mackinnon in the spring of 1887.

Whereas under date of the 22nd February, 1887, Sultan Seyyid Barghash sent Mr. Mackinnon a telegram, in which his Highness declared himself ready to grant him the Concession which he (Mr. Mackinnon) had previously proposed, and this offer was followed, on the 24th May, by the conclusion of an agreement conceding to the Imperial British Company the strip of coast from the Wanga to Kipini.

Whereas in that agreement no mention is made of the territories situate to the north of Kipini and comprising the Island of Lamu.

Whereas with regard to these latter, the Imperial British Company limits itself to invoking the evidence of General Mathews to the effect that, to his knowledge, these territories were offered by the Sultan to Mr. Mackinnon in 1887; that he always understood that they were reserved, in accordance with Mr. Mackinnon's wish, for a subsequent Concession; and that he was sent, as representative of the Sultan, to make a verbal communication to Mr. E. N. Mackenzie, the agent of the Imperial British Company, authorising him to inform Mr. Mackinnon that all the territories to the north of the Kipini would be offered to him in preference, when they came to be leased or ceded.

Whereas, in the verbal message with which General Mathews was intrusted, whatever consideration his evidence may merit, one cannot find the elements of an actual and positive promise to grant a concession, whereof the essential conditions were sufficiently determined.

And, as regards the reserved or anticipated acceptance of Mr. Mackinnon, it only forms the subject of a purely personal opinion on the part of the General.

Whereas the evidence of General Mathews is in harmony with the above quoted telegram of Sultan Seyyid Barghash with reference to the intention of treating with the English, and this intention is found again and takes shape in the letter addressed by his successor on the 26th August, 1888, to the English Consul-General.

Whereas, however, if this latter letter constitutes a political engagement between Government and Government not to cede the administration of the Sultanate to any others than to subjects of the Sultan, or to Englishmen, or to Mr. Mackinnon so far as regards Zanzibar and Pemba,

one does not yet find in it the direct and actual promise to cede to the Imperial British Company itself all the ports of the north.

Whereas the intention of treating with the English is, moreover, expressed in an evident manner in the letter of Seyyid Khalifa to the German Consul-General, dated 12th January, 1889.

And there is no occasion to pay any regard to the objection that this determination was vitiated through having had a false cause, viz., that the Sultan Seyyid Khalifa only adopted it on account of a promise which he believed to have been made by his predecessor to the English Company, as the knowledge of the communication made on the 22nd February, 1887, by his predecessor, and the steps taken in the name of the latter by General Mathews may legitimately have influenced his decision, and the Sultan may, moreover, have decided not from one sole motive, as appears from his said letter to the German Consul-General and from those which he sent in the course of the same month to the English Consul-General, and which are reproduced in the English Memorandum.

Whereas the intention repeatedly manifested by Sultan Seyyid Khalifa was transformed into a fact by the negotiations which were opened in the month of January, 1889, between his Highness and Mr. Mackenzie, the attorney of Mr. Mackinnon.

Whereas in these negotiations the essential conditions of the resumption of the administration and customs of the Island of Lamu were put forward and discussed for the first time between the parties.

Whereas harmony of wishes was established upon all points, as is shown by the exchange of the letters of the 19th and 20th January, 1889, between the Sultan and Mr. Mackenzie, combined with the telegram from the Sultan to Mr. Mackinnon, the 30th of the same month.

But whereas the document so prepared has not received the signature of the Sultan, and the latter has subordinated it to the removal of an obstacle which stopped his final determination.

For these reasons :

We are of opinion that the Sultan has remained free to dispose of the exercise of his sovereign rights, within the limits traced out by the letter of his predecessor to Sir John Kirk of the 6th December, 1884, and by the one which he himself addressed to the English Consul-General on the 26th August, 1888.

And that the Imperial British East Africa Company does not produce any engagement validly assumed towards it by any of the Sultans of Zanzibar, and creating in its favour an exclusive right to the resumption of the customs and the administration of the Island of Lamu.

Considering, lastly, that the signing of the Convention formulated between the Sultan Seyyid Khalifa and the representative of the Imperial British East Africa Company has only been deferred in consequence of the opposition of the German Consul-General.

And whereas this opposition is founded upon the right of priority claimed by the German Witu Company, the reality of which right has formed the subject of the foregoing conclusions :

For these reasons :

We are of opinion that the proposed agreement between the Sultan Seyyid Khalifa and the representative of the Imperial British East Africa Company on the subject of the Island of Lamu can be signed without giving rise to any rightfully founded opposition.

Done at Brussels in duplicate.

BARON LAMBERMONT.

17*th August*, 1889.

No. 270.—*AGREEMENT between the British and German Governments, respecting Africa and Heligoland. Berlin, 1st July*, 1890.*

The Undersigned,—

Sir Edward Baldwin Malet, Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary ;

Sir Henry Percy Anderson, Chief of the African Department of Her Majesty's Foreign Office ;

The Chancellor of the German Empire, General von Caprivi ;

The Privy Councillor in the Foreign Office, Dr. Krauel,—

Have, after discussion of various questions affecting the Colonial interests of Germany and Great Britain, come to the following Agreement on behalf of their respective Governments :—

East Africa. German Sphere of Influence.

Art. I.†—In East Africa the sphere in which the exercise of influence is reserved to Germany is bounded—

German Sphere. To the North. River Umba to Victoria Nyanza.‡

1. To the north by a line which, commencing on the coast at the north bank of the mouth of the River Umba [or Wanga], runs direct to Lake Jipé ; passes thence along the eastern side and round the northern side of the lake, and crosses the River Lumé ; after which it passes midway between the territories of Taveita and Chagga, skirts the northern base of the Kilimanjaro range, and thence is drawn direct to the point on the eastern side of Lake Victoria Nyanza which is intersected by the 1st parallel of south latitude ; thence, crossing the lake on that parallel, it follows the parallel to the frontier of the Congo Free State, where it terminates.

Mount Mfumbiro.

It is, however, understood that, on the west side of the lake, the sphere does not comprise Mount Mfumbiro ; if that mountain shall

* See also Agreements, 14th April, 1893, p. 910, 15th November, 1893, p. 913, 19th March, 1906, p. 937, and 18th July, 1906, p. 942.

† See also Article VI, p. 904.

‡ See also Protocol, $\frac{27\text{th October,}}{24\text{th December,}}$ 1892, p. 909, Agreement, 25th July, 1893, p. 911, Agreement between Great Britain and Congo of 12th May, 1894, p. 578 ; Arrangement between Great Britain and Germany of January–April, 1900, p. 921 ; and Agreement between Great Britain and Germany of 18th July, 1906, p. 942.

prove to lie to the south of the selected parallel, the line shall be deflected so as to exclude it, but shall, nevertheless, return so as to terminate at the above-named point.*

German Sphere. To the South. Rovuma River to Lakes Nyassa and Tanganyika (Stevenson's Road).

2. To the south by a line which, starting on coast at the northern limit of the Province of Mozambique, follows the course of the River Rovuma to the point of confluence of the Msinje; thence it runs westward along the parallel of that point till it reaches Lake Nyassa; thence striking northward, it follows the eastern, northern, and western shores of the lake to the northern bank of the mouth of the River Songwe; it ascends that river to the point of its intersection by the 33rd degree of east longitude; thence it follows the river to the point where it approaches most nearly the boundary of the geographical Congo Basin defined in the 1st Article of the Act of Berlin (**No. 128**), as marked in the map attached to the 9th Protocol of the Conference.

From that point it strikes direct to the above-named boundary; and follows it to the point of its intersection by the 32nd degree of east longitude; from which point it strikes direct to the point of confluence of the northern and southern branches of the River Kilambo, and thence follows that river till it enters Lake Tanganyika.†

Map. Nyassa-Tanganyika Plateau.

The course of the above boundary is traced in general accordance with a map of the Nyassa-Tanganyika Plateau, officially prepared for the British Government in 1889.‡

German Sphere. To the West. River Kilambo to Congo Free State.

3. To the west by a line which, from the mouth of the River Kilambo to the 1st parallel of south latitude, is conterminous with the Congo Free State.

East Africa. British Sphere of Influence.

The sphere in which the exercise of influence is reserved to Great Britain is bounded—

British Sphere. To the South. River Umba to Congo Free State.

1. To the south by the above-mentioned line running from the mouth of the River Umba (or Wanga) to the point where the 1st parallel of south latitude reaches the Congo Free State.

* Mount Mfumbiro to be British. Art. IX of Agreement of 18th July, 1906, to which a reference is given on p. 942.

† See Protocol recording the decision of the Commissioners for the delimitation of the Boundary line between Lakes Nyasa and Tanganyika, 11th November, 1898, p. 916; and Agreement between Great Britain and Germany of 23rd February, 1901, p. 925, in which the line was finally laid down.

‡ See map facing this page.

32°
LAKE
RUKWA
Altitude 2900 Ft.
KAUNG
E
M
BEAMBA
32°

To face page 900

MAP
REFERRED TO IN ART. 1 § 2.
OF THE
ANGLO-GERMAN AGREEMENT
OF
1st JULY, 1890.

(Reduced from the Original.)

MAP
OF THE
NYASSA TANGANYIKA PLATEAU
1889.

Scale: 1/1,857,440 or 1 Inch to 29 Miles.

British
German

Boundary Line coloured -
The Stevenson Road „ Red

The Stevenson Road was not coloured on the original map.

Ordnance Survey Office, Southampton.

*Mount Mfumbiro.**

Mount Mfumbiro is included in the sphere.

British Sphere. To the North. River Juba to confines of Egypt (Uganda, &c.).

2. To the north by a line commencing on the coast at the north bank of the mouth of the River Juba ; thence it ascends that bank of the river and is conterminous with the territory reserved to the influence of Italy in Gallaland and Abyssinia, as far as the confines of Egypt.†

British Sphere. To the West. Basin of Upper Nile to Congo Free State (Uganda, &c.).

3. To the west by the Congo Free State, and by the western watershed of the basin of the Upper Nile.

Withdrawal by Germany in favour of Great Britain of Protectorate over Witu.

Art. II.‡—In order to render effective the delimitation recorded in the preceding Article, Germany withdraws in favour of Great Britain her Protectorate over Witu.

Recognition by Great Britain of Sultan of Witu's Sovereignty.

Great Britain engages to recognize the sovereignty of the Sultan of Witu§ over the territory extending from Kipini to the point opposite the Island of Kwyhoo, fixed as the boundary in 1887.

Withdrawal of German Protectorate over adjoining Coast up to Kismayu,|| to all other Territories North of Tana, and to Islands of Patta and Manda.

Germany also withdraws her Protectorate over the adjoining coast up to Kismayu, as well as her claims to all other territories on the mainland, to the north of the River Tana, and to the Islands of Patta and Manda.

South West Africa. German Sphere of Influence.

Art. III.¶—In South-West Africa the sphere in which the exercise of influence is reserved to Germany is bounded.

* See note on p. 900.

† See Great Britain and Italy, pp. 948, 949.

‡ See also Article XI, p. 905. On the 22nd October, 1889, the establishment of a German Protectorate over the District lying between Witu and Kismayu was announced in the German Official Gazette, and on the 20th December following the British Government were informed that the German Government maintained the claim of the Sultan of Witu to the Islands of Manda and Patta, and did not recognize the right of the British East Africa Company to take over the administration of these Islands in consequence of the concession granted to the Company by the Sultan of Zanzibar (see GERMANY AND AFRICA (EAST COAST), p. 689).

§ See also Art. XI, p. 905. The flag of the British East Africa Company was hoisted in all the towns of Wituland at the end of April or beginning of May, 1892; and on the 31st August, 1893, the flag of the British Protectorate was hoisted in Witu. See EAST AFRICA PROTECTORATE, p. 367 (footnote).

|| See also Article XI, p. 905.

¶ See also Article VI, p. 904.

[South-West Africa. Namaqualand, Walfisch Bay, &c.]

Namaqualand. Damaraland, &c.

1. To the south by a line commencing at the mouth of the Orange River, and ascending the north bank of that river to the point of its intersection by the 20th degree of east longitude.

2. To the east by a line commencing at the above-named point, and following the 20th degree of east longitude to the point of its intersection by the 22nd parallel of south latitude, it runs eastward along that parallel to the point of its intersection by the 21st degree of east longitude; thence it follows that degree northward to the point of its intersection by the 18th parallel of south latitude; it runs eastward along that parallel till it reaches the River Chobe; and descends the centre of the main channel of that river to its junction with the Zambesi, where it terminates.

German Access to the Zambesi.

It is understood that under this arrangement Germany shall have free access from her Protectorate to the Zambesi by a strip of territory which shall at no point be less than 20 English miles in width.

South-West Africa. British Sphere of Influence. Bechuanaland, Kalahari, &c.

The sphere in which the exercise of influence is reserved to Great Britain is bounded to the west and north-west by the above-mentioned line.

Lake Ngami.

It includes Lake Ngami.

Map.

The course of the above boundary is traced in general accordance with a map officially prepared for the British Government in 1889.*

Walfisch Bay.

The delimitation of the southern boundary of the British territory of Walfisch Bay is reserved for arbitration, unless it shall be settled by the consent of the two Powers within two years from the date of the conclusion of this Agreement.† The two Powers agree that, pending such settlement, the passage of the subjects and transit of goods of both Powers through the territory now in dispute shall be free; and the treatment of their subjects in that territory shall be in all respects equal. No dues shall be levied on goods in transit. Until a settlement shall be effected the territory shall be considered neutral.

* The map referred to was entitled Map of Matabililand and adjoining territories (Int. Div., No. 776, Oct., 1889).

† Not yet settled (December, 1908).

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)-GERMAN AGREEMENT
,1890.
DIVISION OF THE WAR OFFICE MAP, Nº 846 b)

To face page 902

Map to illustrate

ART III OF THE ANGLO-GERMAN AGREEMENT of 1st July, 1890.

REDUCED FROM THE ORIGINAL (INTELLIGENCE DIVISION OF THE WAR OFFICE MAP, No 846 b)

To face page 902

Scale, 3,328,320 or 1 Inch = 62 Stat. Miles. 50 40 30 20 10 0 50 100 MILES

Ordnance Survey, Southampton

Line of Boundary between the British Gold Coast Colony and the German Protectorate of Togo. Volta Districts.*

Art. IV.—In West Africa—

1. The boundary between the German Protectorate of Togo and the British Gold Coast Colony commences on the coast at the marks set up after the negotiations between the Commissioners of the two countries of the 14th and 28th of July, 1886;† and proceeds direct northwards to the 6° 10′ parallel of north latitude; thence it runs along that parallel westward till it reaches the left bank of the River Aka; ascends the mid-channel of that river to the 6° 20′ parallel of north latitude; runs along that parallel westwards to the right bank of the River Dchawe or Shavoe; follows that bank of the river till it reaches the parallel corresponding with the point of confluence of the River Deine with the Volta; it runs along that parallel westward till it reaches the Volta; from that point it ascends the left bank of the Volta till it arrives at the neutral zone established by the Agreement of 1888,‡ which commences at the confluence of the River Dakka with the Volta.§

Each Power engages to withdraw immediately after the conclusion of this Agreement all its officials and employés from territory which is assigned to the other Power by the above delimitation.||

Gulf of Guinea. Rio del Rey Creek.

2. It having been proved to the satisfaction of the two Powers that no river exists on the Gulf of Guinea corresponding with that marked on maps as the Rio del Rey, to which reference was made in the Agreement of 1885¶ (**No. 260**), a provisional line of demarcation is adopted between the German sphere in the Cameroons and the adjoining British sphere, which, starting from the head of the Rio del Rey Creek, goes direct to the point, about 9° 8′ of east longitude, marked "Rapids" in the British Admiralty chart.**

Freedom of Goods from Transit Dues between River Benué and Lake Chad.

Art. V.—It is agreed that no Treaty or Agreement, made by or on behalf of either Power to the north of the River Benué, shall interfere

* On the 5th July, 1884, an Agreement was signed between Germany and Togo, by which the territory of the King of Togo, situated on the West Coast of Africa from the eastern frontier of Porto Seguro to the western frontier of Lome or Bay Beach, was placed under the Protectorate of Germany (See GERMANY, p. 693.)

† See Joint Recommendations of Commissioners dated December, 1887, p. 890.

‡ As to this Agreement see note to Art. I of Anglo-German Convention of 14th November, 1899, p. 919.

§ The boundary between the British Colony of the Gold Coast and the German Colony of Togoland to the north of the 9th degree of north latitude was defined by Notes exchanged between the two Governments in Berlin on the 25th June, 1904, see p. 935.

|| See map facing p. 904.

¶ See Agreement, $\frac{29\text{th April,}}{16\text{th June,}}$ 1885, p. 868.

** See also Agreements, 14th April, 1893, p. 910, and 15th November, 1893, p. 91[illegible].

with the free passage of goods of the other Power, without payment of transit dues, to and from the shores of Lake Chad.

Treaties in Territories between the Benué and Lake Chad.

All Treaties made in territories intervening between the Benué and Lake Chad shall be notified by one Power to the other.

Lines of Demarcation subject to Modification.

Art. VI.—All the lines of demarcation traced in Articles I to IV shall be subject to rectification by agreement between the two Powers, in accordance with local requirements.

*Boundary Commissioners to be Appointed.**

It is specially understood that, as regards the boundaries traced in Article IV, Commissioners shall meet with the least possible delay for the object of such rectification.

Non-interference of either Power in Sphere of Influence of the other.

Art. VII.—The two Powers engage that neither will interfere with any sphere of influence assigned to the other by Articles I to IV. One Power will not in the sphere of the other make acquisitions, conclude Treaties, accept sovereign rights or Protectorates, nor hinder the extension of influence of the other.

No Companies or Individuals of either Power to exercise Sovereign Rights in Sphere of Influence of the other.

It is understood that no Companies nor individuals subject to one Power can exercise sovereign rights in a sphere assigned to the other, except with the assent of the latter.

Application of Berlin Act in Spheres of Influence within Limits of Free Trade Zone.

Art. VIII.—The two Powers engage to apply in all the portions of their respective spheres, within the limits of the free zone defined by the Act of Berlin of 1885 (**No. 128**), to which the first five articles of that Act are applicable at the date of the present Agreement;

Freedom of Trade.

The provisions of those articles according to which trade enjoys complete freedom;

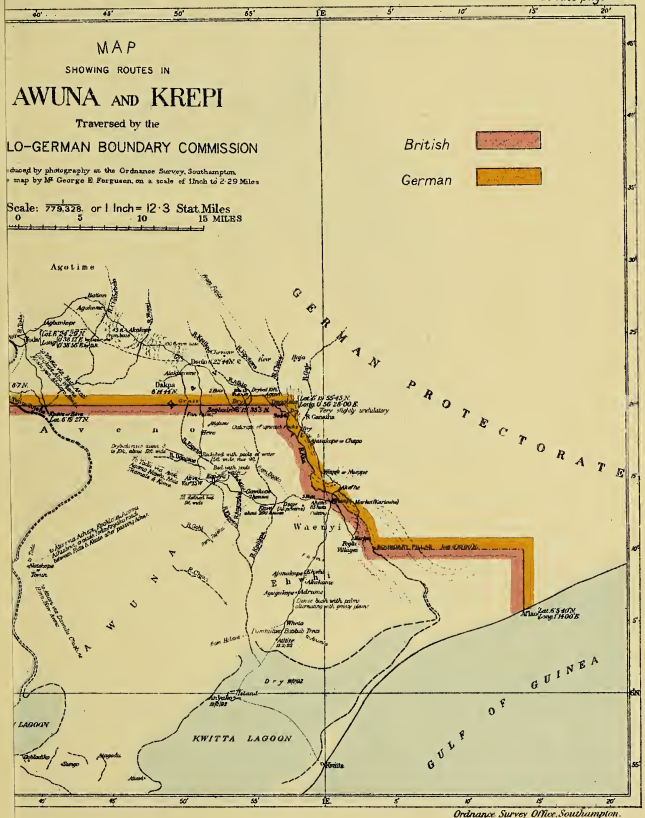
Navigation of Lakes, Rivers, &c.

The navigation of the lakes, rivers, and canals, and of the ports on those waters, is free to both flags;

* See Agreements, 14th April, 1893, p. 910, 15th November, 1893, p. 913, and 23rd February, 1901, p. 925.

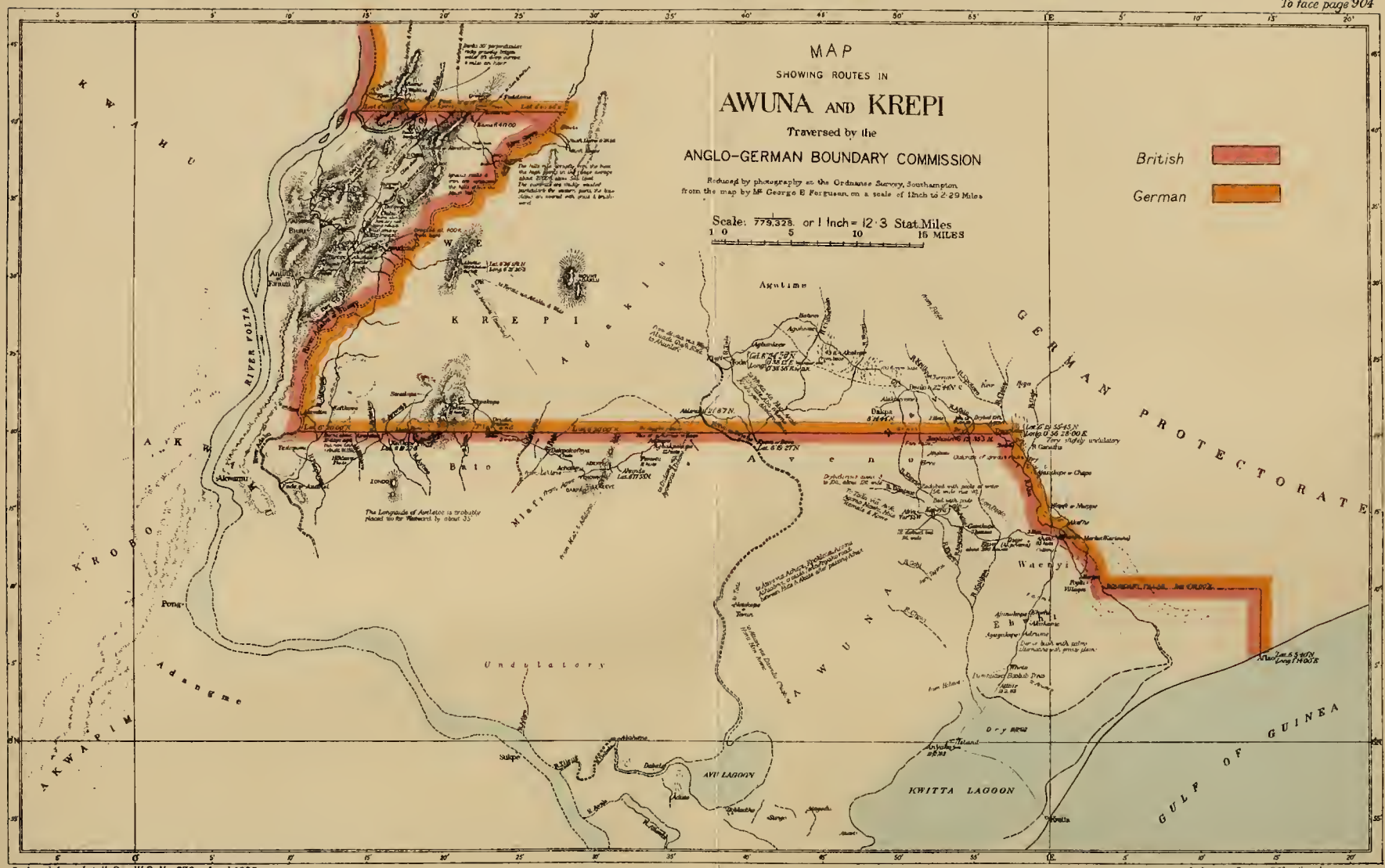
RMAN AGREEMENT OF 1 JULY 1890 (TOGOLAND).

To face page 904



MAP REFERRED TO IN ART. IV. OF THE ANGLO-GERMAN AGREEMENT OF 1 JULY 1890 (TOGOLAND).

To face page 904



Reduced from Intell. Div W.O. No. 970. April 1893.

Differential Duties. Transport or Coasting Trade.

And no differential treatment is permitted as regards transport or coasting trade ;

Duties on Goods.

Goods, of whatever origin, are subject to no dues except those, not differential in their incidence, which may be levied to meet expenditure in the interest of trade ;

Transit Dues.

No transit dues are permitted ;

Trade Monopolies.

And no monopoly or favour in matters of trade can be granted.

Settlements in Free Trade Zone.

The subjects of either Power will be at liberty to settle freely in their respective territories situated within the free trade zone.*

Freedom of Goods from Transit Dues, &c.

It is specially understood that, in accordance with these provisions, the passage of goods of both Powers will be free from all hindrances and from all transit dues between Lake Nyassa and the Congo State, between Lakes Nyassa and Tanganyika, on Lake Tanganyika, and between that lake and the northern boundary of the two spheres.

Trading and Mineral Concessions. Real Property Rights.

Art. IX.—Trading and mineral concessions, and rights to real property, held by Companies of individuals, subjects of one Power, shall, if their validity is duly established, be recognized in the sphere of the other Power. It is understood that concessions must be worked in accordance with local laws and regulations.

Protection of Missionaries.

Art. X.—In all territories in Africa belonging to, or under the influence of either Power, missionaries of both countries shall have full protection.

Religious Toleration and Freedom.

Religious toleration and freedom for all forms of divine worship and religious teaching are guaranteed.

Cession to be made by Sultan of Zanzibar to Germany of Possessions on the Mainland and of Island of Mafia.†

Art. XI.—Great Britain engages to use all her influence to facilitate a friendly arrangement, by which the Sultan of Zanzibar shall cede absolutely to Germany his Possessions on the mainland comprised in

* See line coloured red on map facing p. 900.
† See map facing p. 906.

existing Concessions to the German East African Company, and their Dependencies, as well as the Island of Mafia.

It is understood that His Highness will, at the same time, receive an equitable indemnity for the loss of revenue resulting from such cession.*

German Recognition of British Protectorate over remaining Dominions of Sultan of Zanzibar, including Islands of Zanzibar and Pemba, and Witu.

Germany engages to recognize a Protectorate of Great Britain over the remaining dominions of the Sultan of Zanzibar, including the Islands of Zanzibar,† and Pemba, as well as over the dominions of the Sultan of Witu.‡

Withdrawal of German Protectorate up to Kismayu.

And the adjacent territory up to Kismayu,§ from which her Protectorate is withdrawn. It is understood that if the cession of the German Coast has not taken place before the assumption by Great Britain of the Protectorate of Zanzibar,|| Her Majesty's Government will, in assuming the Protectorate, accept the obligation to use all their influence with the Sultan to induce him to make that cession at the earliest possible period in consideration of an equitable indemnity.

Art. XII.—*Cession of Heligoland by Great Britain to Germany.*¶

EDWARD B. MALET.
H. PERCY ANDERSON.
v. CAPRIVI.
K. KRAUEL.

Berlin, 1st July, 1890.

* On the 27th–28th October, 1890, an exchange of Notes took place between the Representatives of Great Britain and Germany, at Berlin, fixing the Indemnity to be paid to the Sultan of Zanzibar, as compensation for the permanent cession to Germany of the coast line between the Rivers Umba and Rovuma, and of the Island of Mafia, see p. 907.

† See Notification of British Protectorate over Sultan of Zanzibar's Dominions, 4th November, 1890, p. 310.

‡ See also Art. II p. 901. See Notification of British Protectorate over Witu, &c., 19th November, 1890. East Africa Protectorate, p. 364.

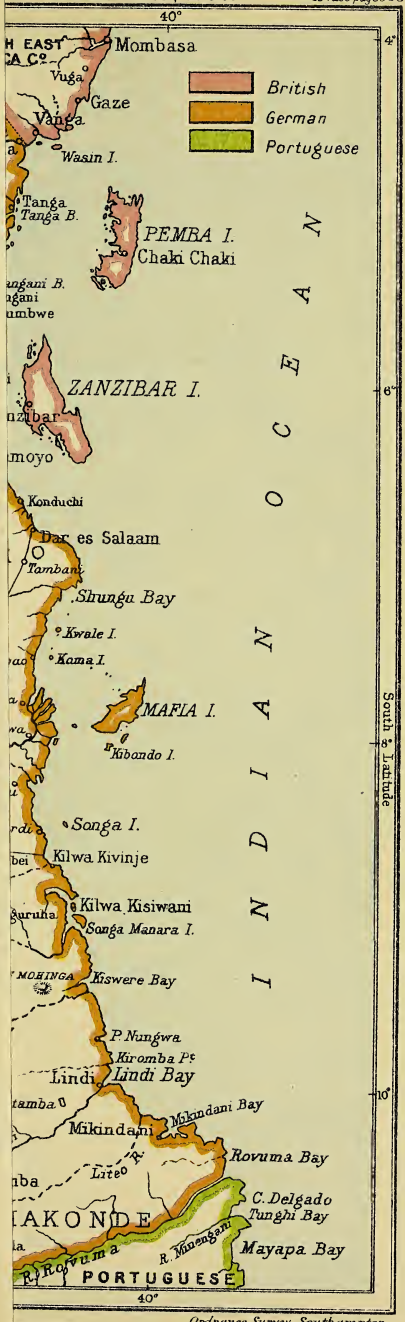
§ See also Art. II, p. 901. The Harbour and District of Kismayu were assigned to the British sphere of influence by § 1 of the Anglo-Italian Agreement of 24th March, 1891, see p. 948.

|| Provisional Agreement signed 14th June, 1890 (p. 308). Notification of British Protectorate, 4th November, 1890. (See p. 310.)

¶ See "Map of Europe by Treaty," vol. iv, p. 3286.

NE OF GERMAN POSSESSIONS
ROVUMA RIVERS, 1890.

To face page 906



150 MILES

Ordnance Survey, Southampton.

A MAP SHEWING COAST LINE OF GERMAN POSSESSIONS BETWEEN THE VANGA & ROVUMA RIVERS, 1890.

To face page 906

Ordnance Survey, Southampton.

No. 271.—*NOTES exchanged between the British and German Governments fixing the Indemnity to be Paid to the Sultan of Zanzibar as Compensation for the Cession to Germany of the Coastline between the Rivers Umba and Rovuma and of the Island of Mafia. Berlin, 2/12th October*, 1890.

The British Ambassador at Berlin to the German Minister for Foreign Affairs.

M. le Baron, *Berlin, 27th October*, 1890.

In pursuance of previous communications on the subject of an accord between Her Majesty's Government and the Imperial Government for a settlement of the amount of indemnity which the Sultan of Zanzibar shall receive for the loss of revenue resulting from the permanent cession to Germany of the coast-line between the Rivers Umba and Rovuma and of the Island of Mafia,* I have now the honour, under instructions from Her Majesty's Principal Secretary of State for Foreign Affairs, to propose to your Excellency on behalf of Her Majesty's Government, the following terms of agreement :—

1. The Imperial Government to pay in London previous to the end of this year the sum of 4,000,000 marks in gold.

2. Until this payment is fully completed the Sultan to continue to receive from the German East Africa Company monthly accounts and payments for all customs duties collected by the Company and due under existing Agreements.† The customs revenues which have been kept back since the 30th June last to be paid over at once.

3. As soon as the sum mentioned in Art. 1 shall be paid, the German East Africa Company to withdraw entirely from any interference whatever in the affairs of the Zanzibar Custom-house.

4. The German East Africa Company to vacate and give up to the Sultan, at a specified date, to be stated in the reply of the Imperial Government to this note, which shall not be later than the 31st December next, all the warehouses and other buildings belonging to the Sultan, and forming part of or adjoining the Zanzibar Custom-house, and now leased to and occupied by the Company ; all arrears of rent for these buildings to be paid up now and in future monthly until evacuation.

I beg your Excellency to do me the honour to inform me whether the Imperial Government consent to these terms of agreement.

I have, &c.,

EDWARD B. MALET.

* See Art. XI of Agreement between Great Britain and Germany of 1st July, 1890, p. 905, and map facing p. 906.

† Concession by Zanzibar to German East Africa Company of 28th April, 1888, p. 695 ; and Agreement of 13th January, 1890, p. 702.

The German Minister for Foreign Affairs to the British Ambassador at Berlin.

(Translation.)

Berlin, 28th October, 1890.

THE Undersigned has the honour to inform his Excellency Sir Edward Malet, Her Britannic Majesty's Ambassador, &c., in reply to the note of yesterday's date, that the Imperial Government agree with the proposals of the English Government respecting the compensation of the Sultan of Zanzibar in return for his cession of his possessions mentioned in that note, and situated on the continent and within the present Concessions of the German East Africa Company, together with their dependencies, such as the Island of Mafia (Art. XI, paragraph 1, of the Anglo-German Agreement of the 1st July, 1890, p. 905).

Taking the points one by one, the Undersigned has the honour to state the adherence of the Imperial Government to the following :—

1. The Imperial Government to pay in London, before the 31st December next, the sum of 4,000,000 marks in gold.

2. Until the payment of this sum is fully completed, the German East Africa Company to continue to send to the Sultan monthly accounts for the Customs duties collected by the Company, and to make him such payments as he has the right to claim under existing Agreements. The Customs revenues which have been kept back since the 30th June of this year to be paid over at once, in so far as this has not already been done.

3. As soon as the sum mentioned in Art. 1 shall be paid, the German East Africa Company to withdraw from any interference in the affairs of the Zanzibar Custom-house.

The German East Africa Company to vacate and give up to the Sultan, not later than the 31st December, of this year, all the warehouses and other buildings occupied by the Company which belong to the Sultan, and either form part of or adjoin the Zanzibar Custom-house. The Company also to pay up at once all arrears of rent for these buildings, in so far as this has not already been done, and to pay the current rent monthly until evacuation.

The Undersigned, while expressing his satisfaction at the fact that this question also has now been satisfactorily settled, avails, &c.

MARSCHALL.

No. 272.—*PROTOCOLS between the British and German Commissioners for the Delimitation of the Anglo-German Boundary in East Equatorial Africa.* Signed at Taveta, on the 27th October, and at Zanzibar, on the 24th December*, 1892.†

(1.)—*Protocol. Taveta, 27th October*, 1892.

Mr. Charles Stewart Smith, Her Britannic Majesty's Consul at Zanzibar, the British Commissioner for the delimitation of the Anglo-German boundary in East Equatorial Africa ; and

Dr. Carl Peters, the Imperial German Commissioner for the delimitation of the Anglo-German boundary in East Equatorial Africa ;

Having visited the south end of Lake Jipe, and having marked a spot on the water's edge with a pile of stones, agree to recommend to their respective Governments that this spot should be considered the point to which the boundary runs from the coast.

The pile of stones is situate at the point where the parallel of latitude 3° 40′ 40·3″ south, according to the British observations, 56 in number, or 3° 40′ 35·6″ according to the German observations, 17 in number, cuts the eastern border of the Lake Jipe.

CHARLES STEWART SMITH.
CARL PETERS.

Taveta, 27th October, 1892.

(2.)—*Protocol. Zanzibar, 24th December*, 1892.

The Undersigned, Mr. C. S. Smith, British Consul at Zanzibar, British Commissioner for the delimitation of the Anglo-German boundary in East Equatorial Africa, and Dr. Carl Peters, Imperial German Commissioner, agree to the following :—

Having carefully examined the Anglo-German boundary in East Africa from the coast to the northern side of the Kilimanjaro, the above-named Representatives of the two Governments agree to recommend to their respective Governments to negotiate directly concerning the exact position of the boundary line.

For the British Commissioner, differing from the German Commissioner, considers that certain parts near to and on the Kilimanjaro have not yet been disposed of by Treaty, and, therefore, cannot be considered as belonging to Germany ; and

The German Commissioner, differing from the British Commissioner, is of opinion that the wording of the Treaty does not clearly show whether Wanga belongs to the British or German spheres of interest.

The above-named Commissioners agree, however, to recommend to their respective Governments to consent that the boundary-line should meet Lake Jipe at the point where the parallel of 3° 40′ 40·3″ south, or 3° 40′ 35·6″ south, cuts its east bank, according to the terms of the Protocol signed by them on the 27th October, 1892 (see above).

* Under Art. I of Agreement of 1st July, 1890, p. 899.
† See also Agreement, 25th July, 1893, p. 911.

Since the two Boundary Commissioners are not agreed with regard to the terminal point of the boundary-line on the coast, and its course around the Kilimanjaro, they are unable to submit further proposals for the position of the boundary until the two High Governments have decided concerning the districts which are in question.*

C. S. SMITH, *British Commissioner.*
DR. CARL PETERS, *Kaiserlich Deutscher Kommissar.*

Zanzibar, 24th December, 1892.

No. 273.—*AGREEMENT between Great Britain and Germany respecting the Rio del Rey, on the West Coast of Africa. Signed at Berlin, 14th April,* 1893.†

The undersigned :

1. The Honourable P. Le Poer Trench, Her Britannic Majesty's Chargé d'Affaires and First Secretary of Embassy ;

2. Sir Claude Macdonald, Her Britannic Majesty's Commissioner and Consul-General of the Oil Rivers Protectorate ;

3. Dr. Kayser, Privy Councillor, Chief of the Colonial Department of the Imperial German Foreign Office ;

4. B. von Schuckmann, Imperial Councillor in the Foreign Office ;

After discussion of various questions affecting the fiscal interests of Germany and Great Britain in their respective territories in the Gulf of Guinea and without prejudice to the conditions laid down in Section 2, Article IV, of the Anglo-German Agreement of the 1st July, 1890 (**No. 270**), as also the conditions laid down in the Anglo-German Agreements of the $\frac{20\text{th April,}}{7\text{th May,}}$ 1885 (**No. 260**), and the $\frac{27\text{th July,}}{2\text{nd August,}}$ 1886 (**No. 263**), have come to the following Agreement on behalf of their respective Governments :

Art. I.—That the point named in Section 2, Article IV, of the Anglo-German Agreement of 1st July, 1890 (**No. 270**), as the head or upper end of the Rio del Rey Creek shall be the point at the north-west end of the Island lying to the west of Oron, where the two waterways, named Urüfian and Ikankan, on the German Admiralty Chart of 1889-90,‡ meet.

Art. II.—From this upper end of the Rio del Rey to the sea, that is to say, to the promontory marked West Huk on the above mentioned chart, the right bank of the Rio del Rey waterway shall be the boundary between the Oil Rivers Protectorate and the Colony of the Cameroons.

Art. III.—The German Colonial Administration engages not to

* See Agreement, 25th July, 1893, p. 911.

† Signed in the English and German languages. See also Agreement, 15th November, 1893, p. 913.

‡ "Mündungsgebiet der Flüsse Aqua Jafe, Rio del Rey, Meta, Andonkat, and Meme. Aufgenommen vom Kommando S.M. Kr. 'Habicht.' 1889—90."

Map to Illustrate

THE BOUNDARY AGREEMENT BETWEEN GREAT BRITAIN & GERMANY (RIO-DEL-REY.) of 14th April 1893

To face page 910

Note: The red line represents the boundary between the British Niger Protectorate on the W. & German Kamerun territory on the E., referred to in Art. IV. of agreement of 1 7 90

Ordnance Survey, Southampton.

allow any trade-settlements to exist or be erected on the right bank of the Rio del Rey Creek or waterway. In like manner the Administration of the Oil Rivers Protectorate engages not to allow any trade-settlements to exist or be erected on the western bank of the Backasay (Bakassey) Peninsula from the first creek below Archibong's (Arsibon's) village to the sea, and eastwards from this bank to the Rio del Rey waterway.

(L.S.) P. LE POER TRENCH.
(L.S.) CLAUDE M. MACDONALD.
(L.S.) DR. KAYSER.
(L.S.) B. v. SCHUCKMANN.

Berlin, April 14th, 1893.

No. 274.—*AGREEMENT between Great Britain and Germany respecting Boundaries in East Africa from the Mouth of the Umba River to Lake Jipé and Kilimanjaro. Signed at Berlin, 25th July, 1893.**

THE Undersigned, Sir Edward Baldwin Malet, Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary; Mr. Charles Stewart Smith, Her Britannic Majesty's Consul at Zanzibar; Baron Marschall von Bieberstein, Privy Councillor, Imperial German Secretary of State for Foreign Affairs; and Dr. Carl Peters, Imperial Commissioner, have agreed, on behalf of their respective Governments, in partial execution of the provisions of Article I of the Anglo-German Agreement of the 1st July, 1890 (**No. 270**), that the boundary between the British and German spheres of interest in East Africa from the Indian Ocean to the northern side of the Kilimandsharo shall run as follows:—

Section 1.† On the coast the line shall start from the high-water mark on Ras Jimbo, and shall run from thence in a straight line to the point where the parallel of 3° 40′ 40·3″ S. (astronomically determined) cuts the eastern bank of Lake Jipe. But on the coast the boundary shall be deflected as follows: It shall run from the Indian Ocean along the northern bank of the Jimbo Creek, making the foreshore in the British sphere, as far as the eastern mouth of the Ngobwe Ndogo. It shall then follow the eastern bank of the Ngobwe Creek to its end, and then run to the point where the above described straight line from Ras Jimbo to Lake Jipe meets the rising ground on which the village of Jasini stands.

Section 2.‡ From the point on Lake Jipe, described in Section 1, the boundary line shall follow the eastern side of Lake Jipe, and round the northern side of the lake crossing the River Lumi, and following

* The boundary from Lake Jipé to Lake Victoria and the Independent State of the Congo (now Belgian Congo) was defined in the Agreement of 18th July, 1906, referred to on p. 942.

† See Agreement of January–April, 1900, relative to the boundary at Jassin and in the bend of the Umba River, p. 921.

‡ This Section was annulled by Art. X of the Agreement of 18th July, 1906, referred to on p. 942.

the northern bank of the Rufu River (by which is also understood its swamp), as far as the point which is distant 1 English mile east of the German road going from the Marangu station to the coast. From thence it shall run to the summit of Chala Hill in the manner shown in the annexed map. The boundary line shall bisect the Chala Lake. From the north side of the Chala Lake onwards the boundary line shall run parallel to the track, as shown in the annexed map, and 1 English mile west of it as far as the latitude of the so-called Useri Camp. It shall then run at a distance of 1 kilom. south-west of the track shown in the annexed map as going to Laitokitok, as far as the point where it crosses the Ngare Longei (Rongei).

Section 3. With reference to the annexed maps the provisions of the attached Protocol of the 8th instant shall hold good. (See below.)

Berlin, 25th July, 1893.

EDWARD B. MALET.
CHARLES STEWART SMITH.

PROTOCOL *respecting Maps and Surveys. 8th July*, 1893.

THE Undersigned, Mr. Charles Stewart Smith, Her Britannic Majesty's Consul at Zanzibar, the British Commissioner, and Dr. Carl Peters, the Imperial German Commissioner for the Delimitation of the Anglo-German Boundary in East Equatorial Africa, agree to adopt as the basis for the negotiations respecting the Anglo-German Boundary in East Equatorial Africa the maps constructed on the triangulation of Commissioner Smith, together with the survey of the neighbourhood of Vanga, conducted by Lieutenant Fromm of the Imperial German Navy.*

The future correction of mistakes, if such should be proved to exist by further examination, is mutually reserved.

Berlin, 8th July, 1893.

C. S. SMITH,
British Commissioner.

[For Arrangement of January–April, 1900, fixing the Boundary at Jassin and in the Bend of the Umba River, see **No. 278**, p. 921.]

* Sheet 1. From the mouth of the Umba River to Lake Jipé.
„ 2. Kilimanjaro and the neighbourhood.
„ 3. Mouth of the Umba and Wanga.
„ 4. Triangulation chart.
„ 5. Position of Ras Jimbo.

See reduced map facing this page. The five sheets above mentioned were laid before Parliament with the Agreement.

To face page 912.

MAP TO ILLUSTRATE A
UMBA RI

To face page 912.

ANGLO GERMAN BOUNDARY IN EAST EQUATORIAL AFRICA

ACCORDING TO AGREEMENT OF 1893 BETWEEN GREAT BRITAIN & GERMANY.

REDUCED FROM THE SURVEY OF THE BRITISH COMMISSION OF 1892.

Scale: 1/520,640 or 1 Inch = 24 Miles

10 0 10 20 30 40 MILES.

Redrawn by Lieut G.E.Smith, R.E.

Ordnance Survey, Southampton

MAP TO ILLUSTRATE ANGLO-GERMAN AGREEMENT OF 25TH JULY 1893.

UMBA RIVER TO LAKE JIPE & KILIMANJARO.

No. 275.—*AGREEMENT between Great Britain and Germany respecting Boundaries in Africa. Signed in the English and German Languages at Berlin, 15th November,* 1893.*

THE Undersigned,

1. Mr. Martin Gosselin, Her Britannic Majesty's Chargé d'Affaires ;

2. Baron von Marschall, Actual Privy Councillor, Imperial German Secretary of State for Foreign Affairs.

Boundaries. Gulf of Guinea into the Interior.

After discussion of points connected with the question of the delimitation of the boundary between the territories under the influence of their respective Governments in the region extending into the interior from the Gulf of Guinea, which question has already been partially determined by the Anglo-German Agreements of the $\frac{29\text{th April,}}{7\text{th May,}}$ 1885 (**No. 260**), $\frac{27\text{th July,}}{2\text{nd August,}}$ 1886 (**No. 263**), 1st July, 1890 (**No. 270**), and April 14th, 1893 (**No. 273**), have come to the following Agreement on behalf of their respective Governments :—

Point to East of and close to Yola.

Art. I.—The above-quoted Agreement of 1886 (**No. 263**) having stipulated that the point where the boundary shall reach the River Benue shall be fixed to such a point to the east of and close to Yola as may be found on examination to be practically suited for the demarcation of a boundary, that point shall be fixed as follows :—

The boundary, drawn from the point on the right bank of the Old Calabar or Cross River, about 9° 8′ of longitude east of Greenwich, marked "Rapids" in the English Admiralty Chart referred to in the above-quoted Agreement of 1885 (**No. 260**), shall follow a straight line directed towards the centre of the present town of Yola.

From that centre a measuring line shall be drawn to a point on the left bank of the River Benue five kilometres below the centre of the main mouth of River Faro ; from the latter point the circumference of a circle, the centre of which is that of the present town of Yola, and the radius of which is the aforesaid measuring line, shall be described, south of the Benue, continuing till it shall meet the straight line drawn from the Old Calabar or Cross River. The boundary, deflecting from that straight line at this point of intersection, shall follow the circumference of the circle till it shall arrive at the point where the circumference reaches the Benue. This point on the Benue shall henceforth be accepted as the point to the east of, and close to, Yola, mentioned in the Agreement of 1886 (**No. 263**).

Continuation of Boundary Line to Lake Chad.

Art. II.—The boundary determined in the preceding Article shall be continued northward as follows :—

* See also Agreements of 12th December, 1902, p. 930, and 19th March, 1906, p. 937.

A line shall be drawn from the point on the left bank of the River Benue fixed in that Article, which, crossing the river, shall go direct to the point where the 13th degree of longitude east of Greenwich is intersected by the 10th degree of north latitude. From that point it shall go direct to a point on the southern shore of Lake Chad, situated 35 minutes east of the meridian of the centre of the town of Kuka, this being the distance between the meridian of Kuka and the 14th meridian east of Greenwich measured on the map [by Kiepert*] published in the German Kolonial Atlas of 1892.†

In the event of future surveys showing that a point so fixed assigns to the British sphere a less proportion of the southern shore of Lake Chad than is shown in the aforesaid map, a new terminal point making good such deficiency, and as far as possible in accordance with that at present indicated, shall be fixed as soon as possible by mutual agreement. Until such agreement is arrived at, the point on the southern shore of Lake Chad, situated 35 minutes east of the meridian of the centre of the town of Kuka, shall be the terminal point.

Boundary Line Subject to Rectification.

Art. III.—Any part of the line of demarcation traced in this Agreement, and in the preceding Agreements above quoted, shall be subject to rectification by agreement between the two Powers.‡

British and German Spheres of Influence.

Art. IV.—The territories to the west of the boundary line traced in the present Agreement, and in the preceding above-quoted Agreements, shall fall within the British sphere of influence, those to the east of the line shall fall within the German sphere of interest.

German Sphere not to Extend Eastward beyond the Basin of the River Shari, Darfur, Kordofan, and Bahr-el-Ghazal.

It is, however, agreed that the influence of Germany in respect to her relations with Great Britain shall not extend eastwards beyond the basin of the River Shari, and that Darfur, Kordofan, and Bahr-el-Ghazal, as defined in the map published in October, 1891, by Justus Perthes, shall be excluded from her influence, even if affluents of the Shari shall be found to lie within them.

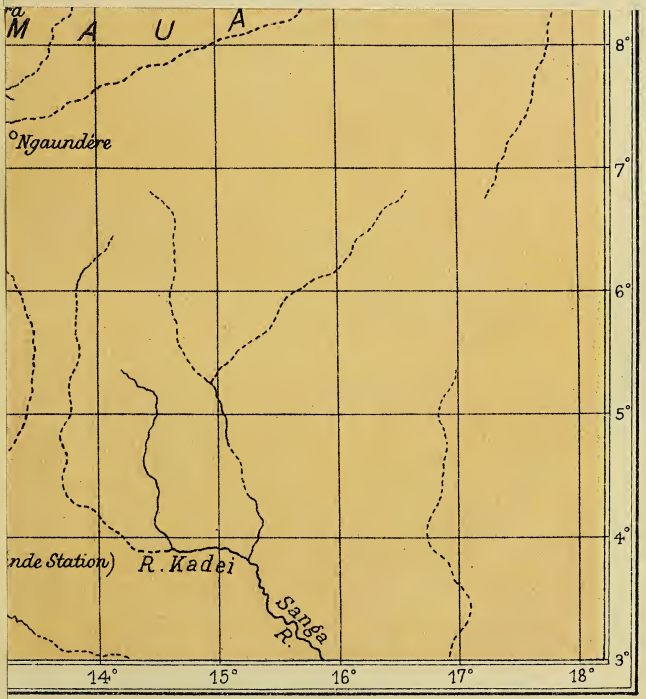
Non-interference of either Power in Sphere of Influence of the other.

Art. V.—The two Powers take, as regards the extended spheres of influence traced in the present Agreement, a similar engagement as regards their respective spheres to that taken in the preceding above-quoted Agreements.

* These words were accidentally omitted from the English text of the Agreement, but it was arranged by an exchange of Notes, signed at Berlin, 23rd December, 1893, that they should be considered as forming part and parcel of the context of Art. II in the same juxtaposition as they appear in the German text.

† "Deutscher Kolonial Atlas."

‡ See Agreement of 19th March, 1906, p. 937, as regards the boundary from Yola to Lake Chad.



Ordnance Survey, Southampton.

was taken from Kiepert's Kolonial Atlas

Map to Illustrate the

BOUNDARY BETWEEN GREAT BRITAIN & GERMANY, IN WEST AFRICA

According to Agreement of 15th November 1893

Scale, 5,512,320. or 1 Inch = 87 Stat. Miles

20 0 20 40 60 80 100 200 300 MILES

To face page 914

British German

Ordnance Survey: Southampton.

Note,— The Geographical detail on this map was taken from Kiepert's Kolonial Atlas

They agree that neither will interfere with the sphere of influence of the other, and that one Power will not, in the sphere of the other make acquisitions, conclude Treaties, accept sovereign rights or Protectorates, or hinder or dispute the influence of the other.

Navigation of the Niger.

Art. VI.—Great Britain recognizes her obligation to apply as regards the portion of the waters of the Niger and its affluents under her sovereignty or protection, the provisions relating to freedom of navigation enumerated in Articles 26, 27, 28, 29, 30, and 33 of the Act of Berlin of February 26, 1885 (**No. 128**). Germany on her side recognizes her obligation, under the 32nd Article, to be bound by those provisions as regards the portion of the waters under her control.

Berlin, the 15th November, 1893.

MARTIN GOSSELIN.
FRHR. VON MARSCHALL.

On the 24th February, 1894,* a Convention was concluded between Great Britain and Germany, establishing a Customs Union between the Gold Coast Colony, east of the Volta, and Togoland.

It was stipulated therein that the British possessions on the Gold and Slave Coasts, lying to the east of the River Volta and the German possessions on the Gold and Slave Coasts should form a single Custom Territory, without any intervening Customs barrier, in such a manner that one and the same rate of Customs Duty should be levied within them, and that goods having paid Customs Duty on the one territory might be imported into the other without additional payment. The Convention was, however, denounced by the German Government and consequently terminated on the 30th April, 1904.†

HINTERLAND.—On the 9th November, 1884, the German Ambassador in London (Count Münster) addressed a note to Earl Granville on the subject of the Cameroons Territory, in which he said :—

"The distance to which the frontiers of the German Protectorate extend inland cannot at present be defined. In regard to this the Imperial Government reserves its freedom of decision, in the same way as the English do in the occupation of portions of a Coast line, as shown recently by the proclamation of a British Protectorate over the South Coast of New Guinea, as to which Mr. Ashley stated, on the 25th ult. in the House of Commons, that it was not then possible to define the inland frontiers of the English Protectorate, but that the Protectorate would be extended as far as local circumstances might demand." (S. P., vol. lxxvi, p. 758.)

* S.P., vol. lxxxvi, p. 37.
† See Notification of 8th December, 1903, S.P., vol. xcvii, p. 102.

No. 276.—*PROTOCOL containing the Decisions of the Commissioners appointed to delimit the Nyasa-Tanganyika Boundary. Signed at Ikawa, 11th November,* 1898.

THE Undersigned having been appointed Commissioners to delimit the frontier between British and German territory from Lake Nyasa to Lake Tanganyika, as laid down in the Agreement of the 1st July, 1890,* have accordingly surveyed the zone of the boundary and have come to the following agreement :—

1. Since by the Agreement of the 1st July, 1890, the boundary largely depends on the position of two meridians, we decided to carry out a triangulation along the boundary; the triangulation is based on the position of a point on the south shore of Kambwe Lagoon; we agree that the geographical position of this point is latitude 9° 53′ 57″, longitude 33° 56′ 5″.

2. For the purpose of discussing boundary matters, we further agree upon the geographical positions of the points in the following list. These points are either on the boundary, or very near it :—

Place.	Values agreed upon.						Remarks.
	Latitude.			Longitude.			
	°	′	″	°	′	″	
South bank of the mouth of the Songwe River	9	42	53	33	56	12	A trigonometrical point about 50 yards south of the bank.
Intersection of meridian of 33° east with the Katendo River	9	22	4	33	0	0	The mean position of two boundary pillars, one on each side of the Katendo.
Boundary pillar north of Fife	9	17	21	32	38	53	A pole surrounded by a heap of stones.
Intersection of meridian of 32° east with the watershed of the Congo basin	9	4	31	32	0	0	Marked by a brick pillar west of Mambwé.
East end of Saisi Bridge	8	55	46	31	43	56	Trigonometrical point where the Stevenson road crosses the Saisi River.
Junction of the Rivers Kalambo and Safu	8	35	32	31	21	42	
Sandspit at the mouth of the Kalambo River		....			....		To be agreed upon.

3. We agree that the boundary shall run as follows :—

Starting from the mouth of the River Songwe at Lake Nyasa, it ascends that river until its junction with the Katendo stream in the Chitete district; it then follows the Katendo stream until its intersection with the meridian to 33° east; at this point two pillars have been built, one on each side of the Katendo.

From this point the boundary goes in a straight line at an azimuth of 50° to the top of Ngungulu (Nkungulu) Hill, which is on the watershed of the Congo Basin.

* Art. I, § 2, see p. 900.

From this hill the boundary goes along the watershed to a boundary-pillar 4 miles (6½ kilom.) to the west, and thence to a pillar at the source of the Mpemba stream.

Here the boundary leaves the watershed and follows the Mpemba stream to a point 130 yards to the north of Tontera village, where a boundary-post has been erected on the left bank of the stream.

From this point the boundary goes in a straight line due west for 2,800 yards (2,560 metres), where there is a boundary-pillar on the watershed.

The boundary then goes along the watershed passing the following pillars :—

(1) A pillar on the Kumbi Hill.

(2) A post about 1 mile 75 yards (3 kilom.) north of Fife.

(3) A post about 400 yards south of the source of the Makimbo stream.

(4) A post about midway between the old and new Stevenson road.

(5) A post 1 mile east of Normbwe village.

(6) A post 1 mile (1·7 kilom.) south-east of Chisitu village.

Here the boundary leaves the watershed, and goes in a straight line to a post about 0·75 miles (1,200 metres) north-west of Ikomba, and from this point in a straight line to a post in the Zuwa Forest, about 2 miles south of the village of Karimanzira ; this post is on the watershed.

From this point the boundary runs along the watershed, passing the following boundary-posts :—

(1) A post 700 yards west of Chowere (Tshowere) village.

(2) A post on Dondondu Hill.

(3) A post about half-way between the villages of Msungo and Mambwe.

The boundary then continues along the watershed, passing through three pillars in the neighbourhood of Mambwe, which are shown on a special plan. The last of these pillars is at the intersection of the watershed with the meridian of 32° east.

The boundary then runs in a straight line to the source of the Masieti stream, and follows the stream until its junction with the Masia.

Thence in a straight line to a boundary-post south of the ruined village of Ipundu, on the left bank of the Ipundu River.

Thence in a straight line to the junction of the Rivers Saisi (Ssaissi) and Kasokolwa (Kassokorwa).

It then ascends the Saisi (Ssaissi) River until the entry of the Lumi (Rumi) River.

Thence the boundary ascends the Lumi until the entry of the Mkomba (Mkumba) stream.

Thence it ascends the Mkomba (Mkumba) stream to its source.

Thence the boundary goes in a straight line to the centre of a narrow saddle between the source of the Mozi (Mosi) and Chipoko (Tshipoko) streams, and thence in a straight line to the south-east source of the Samfu River.

Thence it follows the Samfu (Ssâfu) River to its junction with the Kalambo, and thence follows the Kalambo River to its mouth in Lake Tanganyika.

4. In all cases when a river or stream forms the boundary it is said to be understood that the boundary-line is the "thalweg" of the stream; but in cases where the "thalweg" is indeterminate, the centre line of the bed is to be taken as the boundary.

If any river forming part of the boundary should change its course in the future, the "thalweg," or centre line of the old bed, as it exists on this date, shall still be the boundary-line.

5. No fresh determination of the geographical position of any natural features, or boundary pillar mentioned in the Protocol, shall alter the boundary here laid down; the boundary shall still be defined by the same features and pillars, notwithstanding any erroneous description of their geographical positions in the Protocols or maps of this Commission.

6. As we have as far as possible exchanged equal areas of territory on each side of the theoretical boundary, we suggest that this Agreement should be ratified as soon as possible in order that the decisions of the two Governments may be out here before the close of the next harvest at the end of September, 1899.

Should the ratification arrive after this, those natives whose villages are separated from their crops by the boundary shall, in any case be allowed to gather such crops until the 31st October, 1899.

7. It is desirable that, pending the approval by the British and German Governments of the boundary-line above described, the areas of the Administrations of the British and German authorities shall be considered to be bounded by the line so described, and we will suggest to the Local Governments that they should observe this line with the exception described above concerning the crops.

8. All boundary-pillars are under the joint protection of the British and German Governments.

The British Government will arrange to protect the longitude pillars at Nkata Telegraph Camp and at Kambwe Lagoon, and the two base pillars near the mouth of the River Songwe.

9. Should it be necessary to rebuild or repair any boundary-pillar, the Local Governments concerned will each send a Representative for the purpose.

If in the future it is considered necessary to define the boundary more rigidly, one Representative from each Government concerned shall be sent to build intermediate pillars; the positions of such pillars shall be based on the boundary-line as shown on the maps of this Commission.

10. We suggest that from this date the Local Governments shall point out to the inhabitants of the boundary zone the position and meaning of the boundary-line.

11. Between this date and the date of the arrival of the ratification of the boundary-line in this country, the Local Governments

will not oppose any obstacle to the movements of any natives who wish to cross the boundary from one side to settle on the other side.

Signed at Ikawa, this 11th day of November, 1898.

C. F. CLOSE, *Captain, R.E., British Commissioner.*
HERRMANN, *German Commissioner.*

[See Agreement between Great Britain and Germany of 23rd February, 1901 (**No. 279**), relative to this Line of Boundary.]

No. 277.—*CONVENTION between Great Britain and Germany for the Settlement of the Samoan and other Questions. (West Africa : Zanzibar, &c.) Signed at London, 14th November,* 1899.

[Ratifications exchanged at London and Berlin, 16th February, 1900.]

THE Commissioners of the three Powers concerned having in their Report of the 18th July last expressed the opinion, based on a thorough examination of the situation, that it would be impossible effectually to remedy the troubles and difficulties under which the Islands of Samoa are at present suffering as long as they are placed under the joint administration of the three Governments, it appears desirable to seek for a solution which shall put an end to these difficulties, while taking due account of the legitimate interests of the three Governments.

Starting from this point of view the Undersigned, furnished with full powers to that effect by their respective Sovereigns, have agreed on the following points :—

Art. I.—*The first part relates to Samoa.*

West Africa (Eastern part of Neutral Zone to Germany).

Great Britain recognizes as falling to Germany the territories in the eastern part of the neutral zone established by the Arrangement of 1888* in West Africa. The limits of the portion of the neutral zone falling to Germany are defined in Art. V of the present Convention.

Art. II.—*The first part relates to Tonga and the Solomon Islands.*

West Africa (Western Part of Neutral Zone to Great Britain).

The western portion of the neutral zone in West Africa, as defined in Art. V of the present Convention, shall also fall to the share of Great Britain.

[Arts. III and IV relate to Samoa and Tonga.]

* Joint recommendations were made in December, 1887 (see p. 890), by the British and German Commissioners, with regard to the future limits of British and German Protectorates and Spheres of Influence in the territories lying in the interior of the Gold Coast Colony and the German Togo Protectorate. These recommendations were agreed to by the two Governments in 1888, and constituted the "Arrangement of 1888" referred to in this Article. The "neutral zone" commenced at the confluence of the River Dakka with the Volta. See Art. IV, § 1 of the Anglo-German Agreement of 1st July, 1890, p. 903.

*West Africa. Neutral Zone. Frontier. (Gold Coast and Togoland.)**

Art. V.—In the neutral zone the frontier between the German and English territories shall be formed by the River Daka as far as the point of its intersection with the 9th degree of north latitude, thence the frontier shall continue to the north, leaving Morozugu to Great Britain, and shall be fixed on the spot by a Mixed Commission of the two Powers, in such manner that Gambaga and all the territories of Mamprusi shall fall to Great Britain and that Yendi and all the territories of Chakosi shall fall to Germany.

Reciprocal Tariffs. Togo and Gold Coast.

Art. VI.—Germany is prepared to take into consideration, as much and as far as possible, the wishes which the Government of Great Britain may express with regard to the development of the reciprocal Tariffs in the territories of Togo and of the Gold Coast.

Renunciation by Germany of Rights of Extraterritoriality in Zanzibar.

Art. VII.—Germany renounces her rights of extraterritoriality in Zanzibar† but it is at the same time understood that this renunciation shall not effectively come into force till such time as the rights of extra-territoriality enjoyed there by other nations shall be abolished.‡

Ratification.

Art. VIII.—The present Convention shall be ratified as soon as possible, and shall come into force immediately after the exchange of ratifications.

In witness whereof the Undersigned have signed it, and have affixed thereto their seals.

Done in duplicate at London, the 14th day of November, 1899.

(L.S.) SALISBURY.
(L.S.) P. HATZFELDT.

* See also Convention of $\frac{26\text{th September,}}{2\text{nd December,}}$ 1901, p. 927. The boundary between the Gold Coast and Togoland to the north of the 9th degree of north latitude was defined by Notes exchanged between the two Governments at Berlin on 25th June, 1904, see p. 935.

† Acquired under Treaty with Zanzibar of 20th December, 1885. See Zanzibar, p. 320.

‡ This condition being fulfilled, German subjects were placed under the jurisdiction of the British Courts by Imperial German Order of 11th June, 1907.

No. 278.—*ARRANGEMENT between Great Britain and Germany fixing the Boundary at Jassin and in the bend of the Umba River.** *January-April*, 1900.†

(1.)

Sir A. Hardinge to Major-General von Liebert.

Sir, *Dar-es-Salaam, 28th January*, 1900.

I HAVE the honour to place on record, and to request you to be good enough, should you consider it correct, to confirm it, the result of our conversation of this morning on the subject of the outstanding boundary question still requiring to be settled at Jasin.

Our respective Governments having allowed us to dispose of this question locally we agreed upon the following arrangement.

The provisional line running along the rising ground of Jasin as drawn by Herr Meyer and myself from the point at which the rising ground is, according to the latest records, intersected by a straight line from Ras Jimbo to Lake Jipe (known as Dr. Stuhlmann's Hill) to the landing-place at Jasin, to be maintained as permanent.

A line to be drawn from opposite the landing place at Jasin to the point marked on Herr Böhler's map as the termination of the Ngobwe Creek.

We agreed that in drawing this latter line, the persons deputed by you to fix the boundary should be empowered to allow it to deviate from an absolutely straight course where such deviation was rendered necessary by the special local considerations, such as native paths or divisions of fields, and that at Jasin itself the present line might, if this was found more convenient, be altered as to place the northern landing-place entirely on British, and the southern landing-place entirely in German, territory.

We further decided that the continuation of the delimitation of the line from Dr. Stuhlmann's Hill to the point at which both banks of the Umba become German territory should be taken in hand in the manner suggested to you in Mr. Craufurd's note of the 13th April, 1899.

ARTHUR H. HARDINGE.

Major-General von Liebert to Sir A. Hardinge.

(Translation.)

Sir, *Dar-es-Salaam, 28th January*, 1900.

I HAVE the honour to acknowledge the receipt of your kind communication of to-day's date, and to express myself in agreement with the contents of the same on every point.

I will commission Councillor Dr. Stuhlmann to undertake, in the German interests, the marking of the frontier at Jasin, and on the bend

* See Agreement of 25th July, 1893, p. 911.

† The German Government signified its approval of this Agreement by Note addressed to the British Chargé d'Affaires at Berlin on the 27th July, 1900.

of the Umba, which has just been determined by us. He will arrive in Jasin on the 6th February this year, and there place himself at the disposal of either yourself or of the official designated by you.

VON LIEBERT.

(2.) *Protocol of Agreement between the British and German Governments, respecting the Jassin and Umba Valley Boundary.—Signed at Jassin, 14th February*, 1900.

The Undersigned, empowered by their respective Governments, have this day made the following Agreement respecting the Anglo-German boundary at Jassin, and in the bend of the Umba River :—

I. The boundary follows the left bank of the Ngobwe to about the point No. 13 on Mr. Boehler's Map. But inasmuch as since the drawing of the map the Ngobwe has altered its course, the exact point No. 13 has not been taken as a boundary, but a point situated on a branch of the river flowing out of the rice-fields, the situation of which has been determined by means of cross-bearings taken by signal fires from point No. 5 and from point No. 2 of Mr. Boehler's Map. This point has been marked by a tall mangrove-post painted with tar.

II. From this point the boundary follows N.70 E. (astronomical) in a straight line to point No. 5 (large baobab tree on the high part of the bank). On this line several mangrove-poles have been planted in the rice-fields and in the mangrove forest. The line is cut through the forest.

III. On the high bank the boundary goes from the baobab at No. 5, past a second baobab to a third baobab. Two blocks of cement have been placed in the intervening space, and marks have been cut upon the baobabs.

IV. From the third baobab the boundary turns to the line drawn by Sir Arthur Hardinge and Mr. Meyer. On this connecting-line two blocks of cement have been placed (one in the middle and one at the end). On the former provincial boundary-line one cement block has been placed at the point where a path coming from the house of the D.O.A.G. (German East Africa Company's) Settlement crosses the frontier. The frontier passes a few metres west of point No. 12, strikes point No. 2, and turns to point No. 11 (white ant-hill known as Dr. Stuhlmann's hill). The line from point No. 5 to point No. 2 has been accurately mapped by Surveyor Lang by tachymetry.

V. The theoretical, astronomical azimuth of the boundary-line (Jimbo-Jipe) has been calculated from point No. 11 at N. 55° 22′ 41″ W. This direction has been accurately determined by the use of Boehler's co-ordinates, and has been indicated by a stone set-up about 100 metres from the ant-hill. The magnetic azimuth of the boundary (in June, 1897, the magnetical variation was 7° 46′ W., the annual decrease 8′–10′) has been taken as N. 48° W.

VI. Nearly 3 kiloms. of the boundary-line have been cut through the forest. A stone has been placed at the point where the path coming from Zego cuts the line on the western side of the Msemalale swamp.

VII. The point where the boundary-line strikes the Umba could not be fixed, as there is dense uninhabited bush. Here, instead of that point, one has been fixed where the boundary crosses the path leading from Makunjeni (Changaniko on the British Boundary map) to Mwa Kijembe. Signals fired at Makunjeni were observed at point No. 11 to be 10½° north of the boundary line. A road survey from Makunjeni to the south-west along the path showed a distance to the end of the road of some 3,500 metres in a straight line from Makunjeni. The point at which the road ended, as shown in the British boundary map, was found to lie 500 metres across the boundary. Signals fired here were observed from point No. 11 to be 2° south of the frontier-line, which corresponds very closely with the road survey. The path was then retraced for 625 steps, and a mound erected at this point as a boundary mark. Signals fired thence were observed from point No. 11 to show only a very slight deviation southwards from the boundary line. These signals were observed from Makunjeni with a bearing of N. 116° W. From the frontier point an opening has been cut through the forest in the same direction as the frontier-line towards the Umba. Until such time as exact astronomical observations have been made here, or until the frontier-line is cut through the bush, exactly from point No. 11 to this place, this point shall be taken as the frontier, so that Makunjeni (Changaniko) is British, Rangi, Buta and Mwa Kijembe German.

VIII. As in the country to the south of the Umba there are no villages, the fixing of the frontier points on the path crossing the frontier is not urgent. The Undersigned agree that till the frontier has been cut through the forest, the frontier points shall be taken to be a distance of three-quarters of an hour's caravan march on the path leading southwards from Maharani (Gonja) and one hour and twenty minutes on the two paths leading southwards from Jilibe.

IX. It is agreed that the inhabitants of the territories on either side of the line who have cultivated their fields beyond the frontier as now fixed shall be allowed to gather and remove the crops now standing in their fields without paying duty.

X. Two copies of this Protocol have been signed. In case of doubt the German text is to be regarded as authoritative.

14*th February*, 1900.

EDWARD S. H. J. RUSSELL, *Acting Collector, Vanga.*

Dr. F. STUHLMANN, *Kaiserlicher Regierungsrath.*

(3.) *Major-General von Liebert to Sir A. Hardinge.*

(Translation.)

Sir, *Dar-es-Salaam, 3rd April*, 1900.

I HAVE the honour to transmit to you herewith a copy of the frontier Protocol drawn up by Mr. Russell and Dr. Stuhlmann respecting the boundary at Jasin.*

* See No. 2, p. 922.

[Jassin and Umba Valley.]

I transmit also a copy of M. Böhler's map* as altered in accordance with the recent delimitation, and a sketch map* showing the angles established by means of the observation of rockets on the frontier in the bend of the Umba valley.

It will, I think, suffice if you inform me in a note that you accept these two maps as forming part of the Protocol signed by Mr. Russell and Dr. Stuhlmann.

I regret that I am unable to alter the expression "left bank" to "course" (thalweg), as this would mean for me a cession, without good reason, of territory which would be inconsistent with the Agreement of 1893. On my inquiry respecting this point, Dr. Stuhlmann explained to me that he had only made the correction in order to bring the Protocol into verbal accord with the Agreement of the 25th July, 1893. (**No. 274.**)

It will, on the other hand, be sufficient for me if you will inform me by means of an exchange of notes, as you suggested on the 6th March last, that it will not be allowed, within the rice fields marked on the inclosed map as "Rieselfelder," to draw off the water by means of dykes, dams, &c., from another portion of them, across the frontier, and that this exchange of notes is to be regarded as a supplement to the Arrangement of the 28th January.

VON LIEBERT.

Sir A. Hardinge to Major-General von Liebert.

Sir, *Mombasa, 25th April*, 1900.

I HAVE the honour to acknowledge the receipt of your note of the 3rd instant, which, however, owing to my absence in the interior, only reached me a few days ago, inclosing a copy of the Protocol signed on the 14th February by Dr. Stuhlmann and Mr. Russell, a map by Herr Böhler of the boundary at Jasin, and a sketch map showing its continuation to the neighbourhood of the frontier villages of Makonjeni, Buta, and Rangi.

In thanking you for these papers, I hereby beg to convey to you my acceptance of the two maps as annexes to the Protocol, whose meaning they illustrate and express.

I withdraw my objection to the definition of the frontier as following the left bank of the Ngobwe, as I find that definition is in harmony with the text of the Berlin Agreement of 1893 (**No. 274**) which at the time when I raised the point above-mentioned, I had not at hand to refer to.

I am prepared to agree to your proposal that the residents on either side of the frontier-line shown on Dr. Böhler's map of the Ngobwe and Jasin boundary shall not be permitted to draw off by dams or other means the water from the land marked thereon as paddy fields (Rieselfelder) on the other side of the line, and will cause instructions to that effect to be given to the local collector and district officer. You will doubtless give similar instructions to the competent German local authority.

* See Maps Nos. 26 and 27 in Atlas (or Pouch).

I concur in your suggestion that your note to me of the 3rd instant, and the reply which I have hereby the honour to make to it, should be regarded as forming part of, and completing, the Arrangement recorded in the notes exchanged between us on the 28th January last (p. 921).

ARTHUR H. HARDINGE.

No. 279.—*AGREEMENT between Great Britain and Germany relative to the Boundary of the British and German Spheres of Interest between Lakes Nyasa and Tanganyika. Signed at Berlin, 23rd February,* 1901.

THE Undersigned, Sir Frank Cavendish Lascelles, His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary, and Baron von Richthofen, Imperial German Secretary of State for Foreign Affairs, in the name of their Governments, after examination of the proposals of the Mixed Commission* which, in pursuance of Art. VI of the Agreement between Germany and England of 1st July, 1890 (**No. 270**), was entrusted by the respective Governments with the delimitation on the spot of the boundary of the German and English spheres of interest between Nyasa- and Tanganyika Lake, have agreed as follows :—

Sec. 1.—The boundary shall take the following course, indicated on the annexed map† by a black chain line, excepting where natural watercourses form the boundary. It begins at the mouth of the Songwe River at Lake Nyasa and follows this river upwards to its junction with the Katendo Stream in the Shitete district ; it then follows the Katendo upwards to its intersection with longitude 33, east of Greenwich, ascertained by the Commission, which is marked on both sides of the Katendo by a boundary pillar (1) ; it then runs in a straight line at an azimuth of 230° (from the true north) to the top of Nakungulu (Nkungulu) Hill (2), which is on the waterparting of the geographical Congo Basin. From here the boundary goes along the waterparting past a boundary pillar (3) about 6·5 kilom. from Nakungulu to a boundary pillar (4) opposite to the source of the Mpemba Stream ; here it leaves the waterparting and follows the Mpemba downstream to a boundary pillar (5) on the left bank about 119 metres north of the village Tontera ; from this point it goes in a straight line to the true west to a boundary pillar (6) about 2,560 metres off again on the waterparting ; it then follows the waterparting between the Nkana and its affluents on the north and the Karunga and its affluents on the south past the following boundary pillars :—

(1) Kumbi Hill (7).
(2) About 3 kilom. north of the English Station Fife (8).
(3) About 400 metres south of the source of the Ntakimba Stream (9).
(4) Between the old and the new Stevenson Road (10).
(5) About 1,700 metres from Nombwe village (11).
(6) About 1,700 metres from Kissitu village (12).

* See Protocol of 11th November, 1898, p. 916.
† See Diagram Map facing p. 926, and Map No. 28 in Atlas (or Pouch).

At this boundary pillar the boundary leaves the waterparting and goes in a straight line to a boundary pillar (13) about 1,200 metres north-west of the English Station Ikomba, and thence in a straight line to a boundary pillar (14) in the Suwa (Zuwa) Forest, about 3½ kilom. south of Karimansira village, which is again on the waterparting; it then follows the waterparting past the following boundary pillars:—

(1) About 700 metres west of Shovere (Chowere) village (15).

(2) Dundundu Hill (16).

(3) About half-way between Mambwe and Mssungo (17).

4, 5, 6. Three boundary pillars in the neighbourhood of the English Station Mambwe, which are marked in the map with the numbers 18, 19, and 20 in red. The last of these boundary pillars is at the same time the point of intersection of the waterparting with longitude 32 east of Greenwich, ascertained by the Commission. The boundary then goes in a straight line to the source of the Massiëte Stream and follows this down-stream to its junction with the Masia Stream (21); it runs then in a straight line to a boundary pillar on the left bank of the Ipundu (22) south of the ruins of Ipundu village and then in a straight line to the junction of the Saissi (Saisi) River with the Kassokorwa (Kasokolwa) Stream (23); it follows the Saissi up-stream to its junction with the Rumi (Lumi) Stream, it follows the Rumi upwards to its junction with the Mkumbaw Stream, and follows this up to its source. Hence the boundary goes in a straight line to the middle of the narrow saddle between the sources of the Mosi (Mozi) and Kipoko (Chipoko) Stream, and from there in a straight line to the south-east source of the Sâfu (Samfu) Stream; this it follows down-stream until it runs into the Kalambo and then the latter down-stream to its mouth in the Tanganyika Lake.

Sec. 2.—In all cases where a river or stream forms the boundary, the "thalweg" of the same shall form the boundary; if, however, no actual "thalweg" is to be distinguished, it shall be the middle of the bed.

Sec. 3.—Any fresh determination of the geographical positions of the boundary pillars or of other points here mentioned shall make no alteration in the boundary itself.

Sec. 4.—All the boundary pillars are under the joint protection of the German and British Governments. The British Government will, besides, take under its protection: the cemented observation pillar in the telegraph station behind Nkata Bay and Kambwe Lagoon and both the base pillars south of the mouth of the Songwe.

Sec. 5.—Should it be necessary later to renew a boundary pillar, each Government shall send a Representative for this purpose. Should it be necessary later to mark the boundary more exactly by more pillars, each Government shall send a Representative for the erection of the intermediate pillars; the position of these new pillars shall be determined by the course of the boundary laid down on the annexed map.

FRANK C. LASCELLES.
BARON VON RICHTHOFEN.

Berlin, the 23rd February, 1901.

To face page 926.

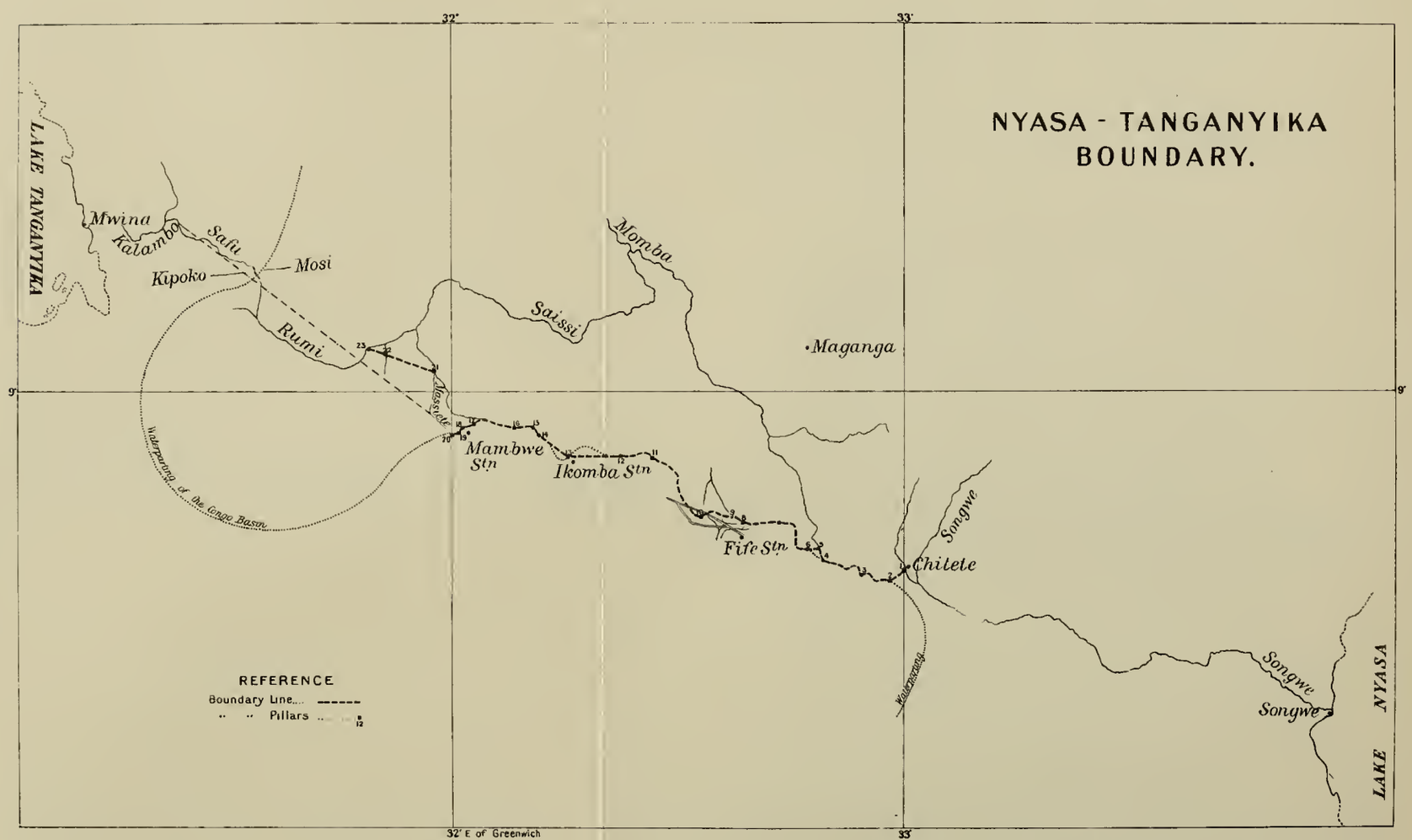
ENT BETWEEN GREAT BRITAIN
OF FEBRUARY 23, 1901.

Scale of Map (No. 28) in Atlas or Pouch, 10 miles to 1·25 inches.

Ordnance Survey, Southampton.

To face page 926.

ANNEXED TO AGREEMENT BETWEEN GREAT BRITAIN AND GERMANY OF FEBRUARY 23, 1901.



Scale of Map (No. 28) in Atlas or Pouch, 10 miles to 1·25 inches.

Ordnance Survey, Southampton.

No. 280.—*CONVENTION between Great Britain and Germany respecting the Boundary between the Gold Coast and Togoland, signed at Berlin, 26th September, and at London, 2nd December,* 1901.

The Undersigned, after careful discussion of the contents of Art. V of the Convention of the 14th November, 1899 (**No. 277**) between Great Britain and Germany, and of Art. IV of the Agreement of the 1st July, 1890 (**No. 270**) between the same Powers, beg to submit the following agreement for adoption by their respective Governments:

River Daka Boundary.

Art. I.—The Boundary Commissioners shall commence their work by surveying the course of the River Daka from its junction with the River Volta as far as the 9th degree of north latitude. Within these limits, the thalweg of the River Daka shall form the boundary between the British and German territories.

Point of intersection of River Daka with 9th degree of North Latitude.

Art. II.—The point of intersection of the River Daka with the 9th degree of north latitude shall be determined by astronomical observations.

Survey of Country to the North.

Art. III.—The Boundary Commissioners, after completing the survey of the River Daka, shall, in view of the ignorance which exists both as regards the position of the intersection of the River Daka with the 9th degree of north latitude and the geography of the country lying to the north of that degree of latitude, construct upon a scale of $\frac{1}{250000}$ a map based upon triangulation, of the country lying between the meridians passing through Gambaga and Yendi from the 9th parallel of north latitude as far as the southern frontiers of Mamprusi and of Chakosi. Upon the completion of this map, the Boundary Commissioners shall immediately forward to their respective Governments identic copies thereof, together with any proposals which they may be able to make as to the manner in which the boundary shall be continued to the north from the 9th degree of north latitude as far as the southern frontier of Mamprusi or of Chakosi, as the case may be.

The Boundary Commissioners shall then continue the survey of the country lying to the north between the above-mentioned meridians, as far as the 11th degree of north latitude, and shall then proceed with the delimitation of the boundary as laid down in Articles IV, V, and VI of this Agreement.

Frontier between Mamprusi and Chakosi to form the Boundary. Morozugu to be British.

Art. IV.—So far as the territories of Mamprusi and of Chakosi are contiguous, their common frontier shall form the boundary between the British and German territories, with this proviso, however, that the place called Morozugu shall fall to Great Britain.

Position of Morozugu.

Art. V.—The Boundary Commissioners shall ascertain on the spot the position of the place Morozugu mentioned in Art. V of the Convention of the 14th November, 1899. The place called Morozugu shall be considered as identical with the place Morozugu (Morosugu) or Muzzugu (Mussugu) mentioned—

Firstly, in the verbal Agreement made at Gambaga in January, 1897, between Captain Donald Stewart and First Lieutenant von Massow and stated in the Report (extract attached) by the latter officer to be situated 57 kiloms. from Sansanne Mangu and 49 kiloms. from Gambaga;

Secondly, in the Report (extract attached) by Captain W. C. Anderson, XV Hussars, as being about 35 miles from Gambaga; and

Thirdly, in Dr. Gruner's postscription to the Agreement made between him and Captain A. H. C. Walker Leigh, 4th Battalion Royal Munster Fusiliers, at Nanwonga, on the 25th April, 1899, as being three hours' march west of Bumballa.

Art. VI.—Should it be found that the village of Morozugu belongs to the territory of Chakosi, the boundary shall run at a distance of 1,000 metres (1093·6 yards) to the east of the village and shall not anywhere be drawn nearer to it than 1,000 metres (1093·6 yards), measured from the centre of the village; and, from Morozugu westward as far as the territory of Mamprusi, a strip of territory 2 kiloms. (2187·2 yards) wide and bounded by two parallels of latitude shall be assigned to Great Britain.

Alterations in line defined in Convention of 1899.

Art. VII.—Alterations may be made in the line of frontier defined in Art. V of the Convention of the 14th November, 1899, and in this Agreement, where such alterations appear to the Boundary Commissioners of both sides to be desirable in order to establish the boundary on the most easily recognised natural or artificial features.

Where by such alterations, either Power suffers loss of territory, a corresponding compensation shall be made at another part of the frontier.

Alterations of this character agreed to by the Commissioners shall be notified by them in identical terms to their respective Governments for final approval.

Composition of Boundary Commission.

Art. VIII.—The Boundary Commission shall be composed on each side of a Commissioner and three Assistants and the Commission shall be furnished, in addition to the ordinary stores, with the following instruments, namely:

5-inch or 6-inch theodolites for the purpose of taking astronomical observations and smaller ones for the purpose of triangulations, with chronometers and watches, 5-inch heliostats, plane-tables, &c.

Escorts.

Art. IX.—The British and German escorts furnished to the Boundary Commission shall be of equal strength. This equality of strength shall be maintained as far as possible until the completion of the operations in the field.

Question of Frontier between 6° 10′ and 6° 20′ North Latitude to stand over.

Art. X.—It is agreed that the question of the direction of the Gold Coast-Togoland frontier between 6° 10′ and 6° 20′ north latitude shall be allowed to stand over until the map mentioned in Art. III of the preceding Agreement is before the two Governments.

WILLIAM EVERETT.
H. FARNALL.

London, 2nd December, 1901.

KÖHLER.
SEITZ.

Berlin, September 26th, 1901.

(Auszug.) *Station Sokodé, den 2. März*, 1899.

. . . WEGEN der Demarkationslinie einigten wir uns (Captain Stewart und Oberleutnant von Massow) über das kleine Dörfchen Mussugu, bei dem ein kleines Flüsschen den Weg Mangu-Gambaga kreuzte.

Ich bin damals in 4 ziemlich gleichen Tagemärschen von Mangu nach Gambaga marschirt und bin von Mangu aus erst am Morgen des 3ten Tagemarsches nach Mussugu gekommen, ebenso wie ich auf dem Rückmarsche, wo ich genau dieselben Märsche machte, Mittags des 2ten Tagemarsches in Mussugu eintraf.

Nach meinem Itinerar liegt Mussugu circa 57 Km. von Mangu und circa 49 Km. von Gambaga entfernt.

(Gez.) VON MASSOW.

Extract from a Report by Captain W. C. Anderson, the XV Hussars, to the Staff Officer, Northern Territories, Gold Coast, dated Gambaga, 8th January, 1899.

. . . I left Gambaga on the 3rd January. . . . On the 4th January I arrived at Tambrokorugu. . . . The same day I arrived at Morozugu. . . . Next day I proceeded to a village to the south-east of Morozugu, called Matinga. . . . This village is near the Sansanne-Mango road, and is about 3 miles from Morozugu.

. . . I checked this distance with the measuring-wheel and found it to be 3 miles 1 furlong. . . .

I checked the distance by the measuring-wheel from Gambaga to Morozugu and found it to be 33 miles 3 furlongs. In many places where

the road was too rough, the wheel had to be carried, and I should say that it had been carried, for this reason, quite 2 miles, and I should be inclined to put the whole distance down at about 35 miles.

I have, &c,
(Signed) W. C. ANDERSON,
Captain.

[The Boundary between the Gold Coast and Togoland from the intersection of the River Daka with the 9th parallel of North Latitude to the southern boundary of the French Soudan was agreed to by Notes exchanged between the two Governments at Berlin on June 25, 1904, see page 935.]

No. 281.—*AGREEMENT between Great Britain and Germany respecting the Boundary from Yola to Lake Chad. Signed at London, 12th December*, 1902.

THE Undersigned, after discussion of the contents of Arts. I and II of the Agreement between Great Britain and Germany of the 15th November, 1893 (No. 275) beg to submit the following Agreement for the approval of their respective Governments :—

Art. I.—The Boundary Commissioners shall begin their work by determining astronomically the position of Yola, it being recognized that an accurate knowledge of the position of this place is required not only for the purposes of the present Commission, but also for a later Commission, which will have to fix the boundary from the rapids of the Cross River in the direction of Yola.

Art. II.—The position of the segment of the circle which forms the boundary to the south of the River Benue will be fixed by triangulation, as also the further boundary to the north of the Benue up to the point of intersection of the 10th degree of north latitude with the 13th meridian east of Greenwich.

Art. III.—From the point of intersection of latitude 10° north and longitude 13° east of Greenwich thus fixed, the Commissioners will survey, trigonometrically and topographically, a strip of land as far as Lake Chad, in the presumed direction of the boundary as it is laid down in the Agreement. The strip of land so surveyed shall be sufficiently broad to allow for the eventual shifting of the boundary on the map, which may be necessitated by the determination of the longitude of Kuka.

Art. IV.—Having reached the southern shore of Lake Chad, the Commissioners will carry on the triangulation to Kuka, in order to ascertain the position of the point on the shore which is 35′ east of the centre of that town, or in case of difficulty they will ascertain that point by means of signals. It is left to the discretion of the Commissioners whether to determine absolutely the longitude of Kuka during one lunation in order to check approximately the results of the triangulation from Yola to Lake Chad. They will also ascertain

the point where the 14th meridian east of Greenwich cuts the shore of Lake Chad.

Art. V.—The centre of the town of Kuka shall be a point situated midway between the walls surrounding the two separate parts into which the town was formerly divided.

Art. VI.—The high-water mark shall be considered as the shore of Lake Chad.

Art. VII.—On their return journey the Commission will follow the boundary line from Lake Chad to Yola in order to fix points locally, wherever necessary, on the boundary laid down in the Agreement.

Art. VIII.—In order to determine accurately the longitude of Yola, His Britannic Majesty's Government undertakes to transmit, for the information of both Commissioners, as quickly as possible, and as far as possible by telegraph, the necessary corrections of the moon-tables, based on observations taken at Greenwich, for the time at which the longitude was locally determined.

Art. IX.—The Joint Boundary Commission shall consist of two Commissioners, one to be appointed by each of the Governments concerned, and each Commissioner will be accompanied by a staff of two or three assistants.

Art. X.—The Joint Commission will, if possible, embark on the 17th January at Liverpool, and will travel together to Yola. The British Government undertakes to furnish in due time to the German Commissioner a "laissez-passer" for the transit of the equipment of the German Expedition across England to Liverpool, and to provide for the protection of the German Commission during the projected overland journey to Yola.

Art. XI.—The fixing of places astronomically by the Commission will be carried out with all possible care, and after full use of the most accurate observations that may be made by means of their instruments. The Commissioners, being satisfied that the observations and calculations on both sides have been made with proper care, will proceed to determine the arithmetical mean of the results of their respective observations, and to adopt it as the basis on which to proceed with their work. The Commissioners on both sides are at liberty to decide beforehand, by mutual agreement, which of their respective results may be most suitably employed for the calculation of the mean.

Art. XII.—Copies of all astronomical observations shall be exchanged between the Commissioners as quickly as possible.

Art. XIII.—All points astronomically fixed, and other boundary points, shall, wherever the Commissioners think necessary, be indicated by pillars of durable material both above and below ground.

Art. XIV.—The Commissioners shall prepare a general map, on a scale of 1 in 250,000, of the whole of the boundary district in question, taking care to provide sufficient materials for a basis for subsequent negotiations between the two Governments under Art. III of the above-mentioned Agreement. Special maps on a scale of 1 in 10,000, or on a still larger scale, shall, if the Commissioners think necessary, be prepared of districts of special importance, in order to show the exact

position of the pillars indicating points where observations have been taken, or other important points on the boundary.

Art. XV.—Protocols of the discussions of the Commissioners shall be drawn up, which, as well as the maps, shall be signed by both Commissioners.

Art. XVI.—The term "Commissioner" in any of the foregoing Articles shall mean either the "Commissioner" himself or such person as may be empowered by the Commissioner to act on his behalf in the matter with which the Article in question is concerned.

Art. XVII.—The British and German escorts furnished to the Boundary Commission shall be, if practicable, of equal strength, and this equality of strength shall be maintained, as far as possible, until the completion of the operations in the field. The German escort shall first join the expedition at Yola. Members of both escorts shall be permitted to cross the boundary freely, either armed or unarmed.

Art. XVIII.—The Commissioners are empowered, by mutual agreement, to put forward to their Governments proposals with a view to a complete or partial substitution of a natural boundary for the artificial boundary-line laid down in the Agreement of the 15th November, 1893, in so far as such alterations appear to the Commissioners of both sides to be desirable in order to fix the boundary in the most suitable and most easily recognized manner. Where by such alterations either Power suffers loss of territory, a corresponding compensation shall be made at another part of the boundary. Alterations of this character, agreed to by the Commissioners, shall be notified by them, in identical terms, to their respective Governments for final approval.

Art. XIX.—The Commissioners are empowered to mark the boundary on the spot provisionally, by mutual agreement, in accordance with the provisions of the foregoing Art. XVIII, and it shall be reserved for the consideration of their respective Governments whether to confirm or to modify the boundary fixed in this manner.

CHARLES STRACHEY.
ALFRED ZIMMERMANN.
B. VON DANCKELMAN.

London, the 12th December, 1902.

[See definitive Agreement of 19th March, 1906, page 937.]

No. 282.—*PROTOCOL signed by the British and German Commissioners for the Survey of the Boundary from Yola to Lake Chad. Ullgo, Lake Chad, 24th February,* 1904.

THE surveys in connection with the Anglo-German Boundary Commission for Yola and Lake Chad having been completed the Commissioners met at Ullgo on the 24th February, 1904, for the purpose of comparing maps and results. It was found at the outset that the Agreement as to the astronomical position of Yola no longer exists. The comparative accuracy, however, of the maps is not affected, as they are based upon a triangulation carried up from Yola.

This triangulation, worked almost throughout on the same lines of beacons, results in an agreement as to the position of Kukawa, with reference to Yola, within eleven seconds (11″) of arc both of latitude and longitude. The latitudes and longitudes of most other places with reference to Yola were found to be practically identical, the greatest variation being less than the above-mentioned eleven seconds.

This result as regards Kukawa had already been considered sufficiently accurate, and the mean of the respective calculations having been accepted for the centre of Kukawa, a meridian 35 minutes east of it was deduced for the map.

The maps were now compared and found to agree with sufficient accuracy for the purpose of laying down a boundary.

It was agreed to add to the maps on the journey southwards such details as are found to be wanting to give, in accordance with instructions, full information to the respective Governments. The Commissioners proceeded to take account of two sources of difference in the determination of the theoretical boundary line.

I.—Astronomical Determination of the Position of Yola.

The application of the moon corrections for April and May, 1903, which did not arrive until the Commissions had passed into Bornu, caused a difference of 3′ 12·78″ between the British and German determinations of the longitude of the centre of Yola, which determinations had before been approximately the same. A proposal was made by the German Commissioner to combine the results of all the observations, German and British, and take the mean of the whole.

The British Commissioner found himself unable to accept this proposal, as the German Commission had made use of the method of moon-culminating stars, and had therefore, under the weather conditions which prevailed, been able to get more observations than the British Commission who had relied on occultations. The mean therefore would incline strongly to the German side. On the other hand, the British Commission consider the results of occultations much more reliable, and that therefore more weight should be given to them. The German Commission consider the method of moon-culminating stars more reliable.

It was therefore decided to exchange copies of the observations and the results obtained from them, and to refer them to their respective Governments for consideration.

II.—Intersection of the Boundary with the Shore of Lake Chad.

It was impossible to arrive at an agreement as to the boundary point on the shore of Lake Chad, as the British Commissioner by his instructions had to take the high-water mark, and the German Commissioner by his instructions had to take the "deep water line."

The triangulation was carried out to a point very near the meridian 35 minutes east of Kukawa at the edge of the water as it at present stands. The meridian was also marked and aligned, on ground south of the highest water mark, by two hard wood posts.

Working north from these posts the position on the ground of the high water marks of various years was ascertained from the statements of natives. These points were noted by both Commissions, measured and recorded on the maps.

As regards this year's high-water mark, a difference of opinion was expressed by the German Commission and recorded in their Minute No. 1 attached. The reply of the British Commission is given in Minute No. 2.

The bush, on the line of the meridian posts was cleared, and the natives were warned to look after them.

Since, in accordance with the above considerations affecting the longitude of Yola and the shore of Lake Chad, the British and German determinations of the boundary have resulted in two lines diverging from the Faro Mouth to a distance of about $5\frac{3}{4}$ kilometres (3′ 12·78″ on the 10th parallel of latitude) and thence approximately parallel as far as the shore of Lake Chad, and since the whole of the territory in question lies to the east of the temporary boundary arranged in 1903 by the local officers, and since several important towns—notably Dikoa, Bama and Uba—are involved; it is mutually agreed between the Commissioners that it is useless to endeavour at present to arrive at a definitive boundary line. The territory, however, which is to the west of the line claimed by the German Commission will now be considered to be British.

LOUIS JACKSON,
Lieutenant Colonel, British Commissioner.
G. GLAUNING,
German Commissioner.

[See Definitive Agreement of 19th March, 1906, page 937.]

No. 283.—*NOTES exchanged between Great Britain and Germany defining the Boundary between the Gold Coast and Togoland to the North of the 9th Parallel of North Latitude.* Berlin, 25th June,* 1904.

Mr. Whitehead to Herr von Mühlberg.

Your Excellency, *Berlin, 25th June,* 1904.

I HAVE the honour to acknowledge the receipt of your Excellency's note of this day's date† relative to the Anglo-German boundary between the Gold Coast and Togoland, from the intersection of the River Daka with the 9th parallel of north latitude to the southern boundary of the French Soudan; and I am authorized to inform your Excellency, in reply, that His Majesty's Government agree to the following definition of the boundary in question, which is identical with that described in your Excellency's note above referred to :—

From the 9th degree of north latitude the boundary follows the thalweg of the Daka (Kulukpene) upwards to its junction with the Kulusulo; from thence the thalweg of the Kulusulo upwards [to a distance of 1 kilom. beyond its intersection with the road from Sambu to Sung; then a line running west, at a distance of 1 kilom. from that road],‡ to its intersection with a meridian which passes half-way between the most easterly and the most westerly point of intersection of the 9th degree of north latitude with the Daka (Kulukpene); then this meridian to the north of its intersection with the Daka (Kulukpene); then again the thalweg of the latter upwards to its intersection with the road from Bulugu to Nayoro (Naijoro); then a straight line drawn from the last-named point of intersection to the point where the road from Jebega (Djebega) to Makumboro crosses a certain stream; then the thalweg of this stream downwards to a distance of 1 kilom. beyond its intersection with the road from Sokelo to Somayili (Somajili); then a line drawn 1 kilom. to the west of the Sokelo–Somayili (Somajili)–Naiyoboli (Naijoboti)–Yahapa (Fahapa)–Tintaraga–Gimbendi (Gjimbende) road to the point where it intersects the southern boundary of Mamprussi, with the proviso that the villages of Karvison and Narabare fall to Germany, and that the boundary-line in the neighbourhood of these two villages shall in each case be deflected towards the west in the arc of a circle of 1 kilom. radius, drawn from the house of the Chief of each village as centre.

From the last-named point of intersection the boundary runs east along the southern boundary of Mamprussi to a point about half-way between the villages of Tintaraga and Gimbendi (Gjimbende), which point forms the junction of the territories of Dagomba, Chakosi (Tschakossi), and Mamprussi.

* See Art. IV of Agreement of 1st July, 1890, p. 903; Art. V of Convention of 14th November, 1899, p. 920; and Convention of $\frac{26\text{th September,}}{2\text{nd December,}}$ 1901, p. 927. The Boundary was delimited on the ground in 1901–02 and Protocols were drawn up by the Commissioners on the 21st July, 1902.

† Identic Note in the German language from Herr von Mühlberg to Mr. Whitehead.

‡ The beginning of the Agreement was modified in 1907 so as to read without the words given within brackets, the alteration having been involved by the labours on the ground of the Boundary Commissioners.

At this point a pillar has been erected by the Anglo-German Boundary Commission, and from it the boundary proceeds in straight lines in a northerly direction, as marked in the following manner by the posts erected by that Commission :—

To a post placed about 1 kilom. east of Gimbendi (Gjimbende).

Thence to a post placed about half-way between the villages of Gimbendi (Gjimbende) and Yelangu (Jilano).

Thence to a post placed about 1 kilom. south-west of Jegehu (Dschaguhuga).

Thence to a post placed on the road from Naghpanyaraga (Naponjalaga) to Naghpansona (Nakpansona), at a distance of 1 kilom. from Naghpanyaraga (Naponjalaga).

Thence to a post placed between Naghpiegu (Nakpegu) and Naghpanyaraga (Naponjalaga).

Thence to a post placed on the road from Majamam (Madschemam) to Kwangina, at a distance of about 1 kilom. west of Mbanga (Mbana).

Thence to a post placed 1 kilom. east of Makpe (Mwakpe) or Dausuili) (Dasuile).

Thence to a post placed on the road from Bankpa (Bamkpa) to Tundi (Tumti), at a distance of about 1 kilom. east of Bankpa (Bamkpa).

Thence to a post placed on the road Kampore-Nansukuma (Nasiko) at a distance of about 1 kilom. east of Kampore).

Thence to a post placed about 2 kilom. west of Nossisiri (Nasissir).

Thence to a post placed about 3 kilom. west of Tinsunga.

Thence to a post placed on the road from Shishi (Schischi) to Pughpariendi (Punkpariene) about half-way between the two villages.

Thence the boundary follows in a north-westerly direction a circle drawn from the house of the Chief of Shishi (Schischi) as centre, with a radius equal to the distance between that house and the last-mentioned post, until it meets the line drawn between that post and a post placed on the road between Shishi (Schischi) and Dongfoana (Danfoana).

Thence it follows that line to the last-mentioned post.

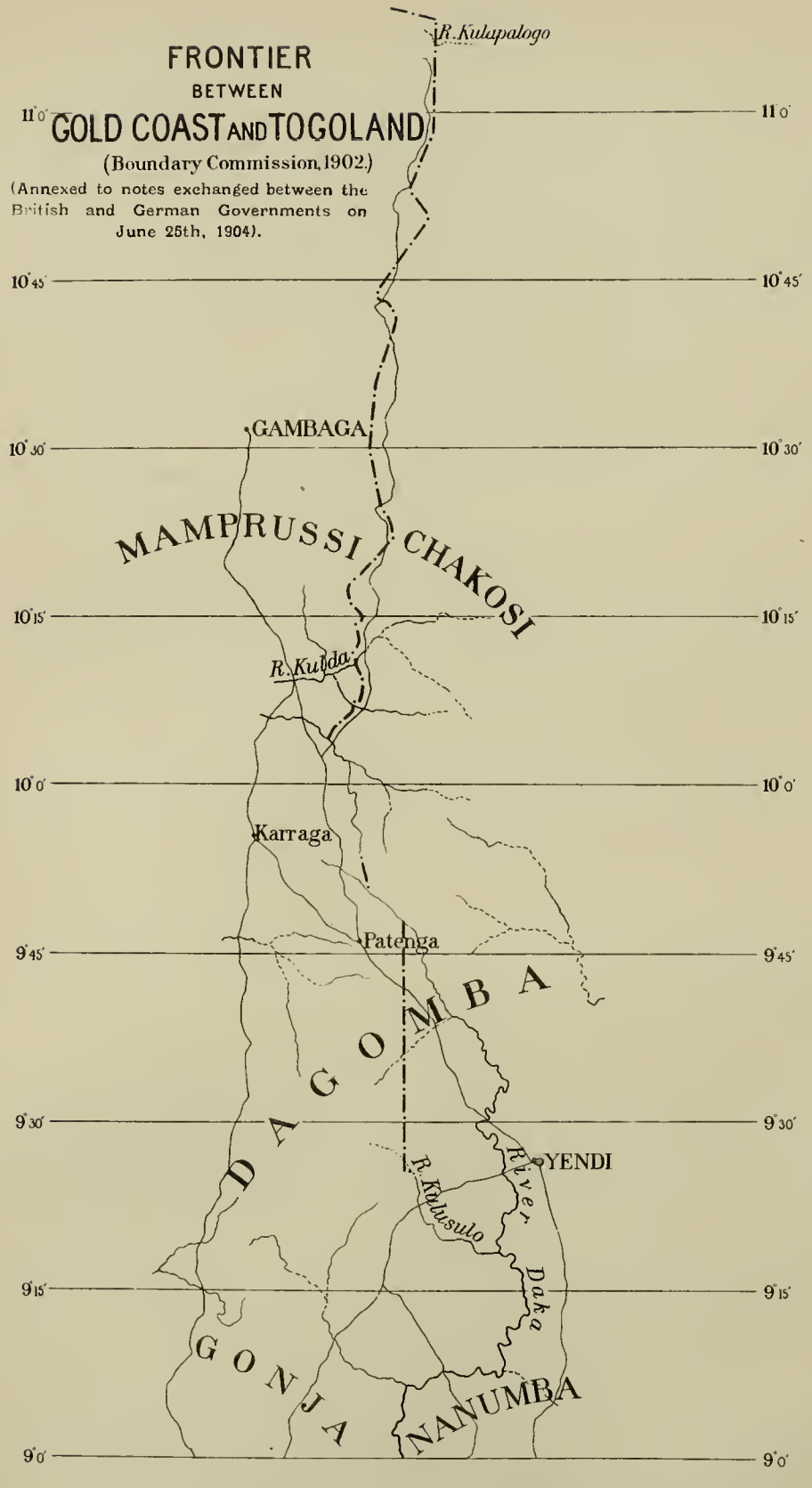
Thence it follows a straight line drawn in the direction of a post placed about 1 kilom. north-west of Kpatua, until it meets the circle drawn in a north-westerly direction with the house of the Chief of Kpatua as centre, at a radius equal to the distance between that house and the last-mentioned post. It then follows that circle until it reaches that post.

Thence in a straight line to a post placed about half-way between Dhantuho (Diandugu) and Pialagu (Pialogu), and thence in straight lines as follows :—

To a post placed about 1 kilom. east of the village of Warikung (Watikjun).

Thence to a post placed about 1 kilom. east of the village of Barrabawku (Baraboka).

Thence to a post placed about 1 kilom. east of the village of Sugure (Segure).



Ordnance Survey, Southampton.

Scale of map (№29) in Atlas or Pouch 4 miles to 1·014 inches

Thence to a post placed about half-way between the villages Zoli (Sule) and Bugare (Bugure).

Thence to a post placed about half-way between the villages Koka and Bugare (Bugure).

Thence to post placed about half-way between the villages Koka and Sinimunaba (Siliminab).

Thence to a post placed about half-way between Ganwaka (Gbawa) and Pusaga (Pussiga).

Thence to a post placed about half-way between Ganwaka (Gbawa) and Nkogo (Nikogo).

Thence the boundary follows in a northerly direction the meridian drawn through the last-mentioned post until it meets French territory.

The boundary above described is shown on the Intelligence Division, War Office, map No. 1798, a copy of which is annexed to this note.*

I have, &c.,
J. B. WHITEHEAD.

No. 284.—*AGREEMENT between Great Britain and Germany respecting the Boundary between British and German Territories from Yola to Lake Chad. Signed at London, 19th March,* 1906.†

(English Text.).‡

THE Undersigned, being appointed by their respective Governments to consider and fix a definite boundary between the German and British territories from Yola to Lake Chad, in accordance with the Agreement between Great Britain and Germany of the 15th November, 1893 (**No. 275**), and the surveys of the Boundary Commission of 1903–4,§ have, subject to the approval of the said Governments, determined the boundary as described below, and as delineated on the accompanying maps, being those prepared by the German and British Commissioners.

I. The boundary on the Yola arc shall hold good as agreed upon by the Commissioners in the attached Protocol of the 10th of August, 1903, and marked out on the ground, with the following two exceptions :—

First.—The longitude of the centre of Yola is to be taken as 12° 29′ 30″.

Second.—North of the junction of the Mao Hesso and the main stream of the Faro River, where the boundary follows the median line of the Faro, it shall not turn westward over the left bank of the Faro, but shall continue along the median line of that river until it reaches

* See Diagram Map facing p. 936, and Map No. 29 in Atlas (or Pouch).

† See Annex III, p. 941. Notes exchanged on 16th July, 1906, recording the acceptance by the two Governments of this Agreement.

‡ Signed also in German.

§ See Annex I to this Agreement, p. 939; and Protocol of 24th February, 1904, p. 933.

the Benue. At the junction with the Benue the line shall follow the centre of the middle one of the three channels. Thence it will follow the median line of the Benue as far as the mouth of the River Tiel.

II. The line will then follow the median line of the River Tiel as far as a point due south of the site of the beacon on the top of the hill Harabe, which was one of the triangulation points of the Boundary Commission's survey. The line will run straight from this point on the Tiel to the aforesaid Harabe beacon, thence straight to the site of the Baburi (Baburei) beacon, and thence straight to the site of the Holma beacon, both of the above being also points of the triangulation survey.

III. From the site of the Holma beacon the line will run due north till it meets the Kilunga (Kilange) River. Thence it follows the median line of that river to a point due south of the site of the beacon on the hill Merigni (Mirinji), and thence straight to that site.

IV. From the site of the Merigni (Mirinji) beacon it will run in a straight line nearly north about 15 kilom. till it meets the River Yedseram (Yadseram) at a point due east of the top of a little elevation called Dalewa, which is on the left bank of the river about 9 kilom. south of Uba.

V. Thence it will follow the median line of the Yedseram into Bornu, as far as a point about 1 kilom. south-west of the village of Gorege. This point was defined in 1905 by the local officers of both sides by a mark cut on a large tree.

VI. From this point it will run due north-west until it intersects a line drawn due north and south, and 9 kilom. west of the entrance gate of Rabeh's Palace, now the barracks of Dikoa. It follows this line northward until it intersects a line drawn due east and west, and 9 kilom. north of the same gate. It then follows this last line eastward until it intersects the line of the German claim as defined on the attached maps.

VII. The boundary then follows the line of the German claim in a straight line until it intersects the meridian 35′ east of Kukawa, which was marked by the Boundary Commission by two posts above high-water mark. Thence it shall follow that meridian northward.

VIII. It is agreed that the boundary as above defined shall be marked out as soon as possible, except along the courses of rivers, in a permanent manner, with posts or otherwise. The cost of the materials will be shared equally between the two Governments. The local representatives of the two Powers charged with the marking out of the boundary, as hereinafter provided, shall have discretion as follows. In cases where the boundary is not marked by a river, and where special local circumstances make it desirable not to follow the straight line, they are authorized to vary it by mutual agreement to the extent of not more than 1 kilom., measured at right angles to the line. Such variations are to be clearly shown on plans and reported to the Governments at home. They will not be considered binding until they have been ratified by the Governments of Great Britain and Germany.

IX. Where islands occur in the rivers, the local officers are further

authorized to determine their ownership by mutual agreement on equitable principles, subject to ratification as above.

X. Where the boundary is formed by rivers, the populations on both banks shall have equal rights of navigation and fishing.

XI. Wherever any land is transferred under this Agreement from the jurisdiction of one Power to that of the other, the occupiers of such land shall be allowed to elect freely on which side of the boundary they will reside, and they shall be allowed sufficient time to gather in any growing harvests and to take the produce with them, together with all their property.

XII. After the ratification of this Agreement, the local Representatives of the two Governments shall be forthwith empowered to mark out the boundary, and to carry out the necessary transfer of territory. This shall be done by the Residents of the two Powers, or their Representatives, acting in concert, and in the presence of the local Chiefs whose territories are affected. Where the boundary so marked out does not depart from the line prescribed in this Agreement, the transfer of territory shall be definitive; but where the local representatives, acting on the discretion given to them in paragraphs 8 and 9 above, propose to vary the boundary, the line may be marked out and acted upon provisionally, subject to ratification as aforesaid.

Signed in duplicate, London, 19th March, 1906.

ERIC BARRINGTON.
LOUIS JACKSON, *Colonel.*
G. S. H. PEARSON.
CHARLES STRACHEY.
HEINRICH SCHNEE.
SYLVESTER STIEBER.
HUGO MARQUARDSEN.

Annex I.

Delimitation of the Yola Arc.

(English text.)*

Yola, 10th August, 1903.

Upon the completion of the trigonometrical and topographical survey of the arc round Yola, provided for in the Agreement between Great Britain and Germany dated November 15th, 1893 (**No. 275**), the Undersigned, after careful comparison of the results obtained respectively by the British and German Commissions, and being satisfied with their correctness, beg to propose the following boundary line for the approval of their respective Governments :—

1. The line commences at the point on the left bank of the Benue, 5 kilom. below the centre of the main mouth of the Faro, and runs due south. The 5 kilom. point being practically cut off from the land by

* German text signed by the German Commissioner, Captain Glauning.

deep water, in the flood season, its position is indicated by a boundary post, No. 1, placed a few metres due south of it, on the edge of the flood water. From this post the line runs due south about $3\frac{3}{4}$ kilom. to a boundary post, No. 2, on rising ground west of the village of Filingo; and then to a post, No. 3, approximately 8 kilom. due south of the 5 kilom. point.

2. From No. 3 post the line runs east to two posts Nos. 4 and 5, fixed west and east on either side of the Filingo–Bellatapare road, north of Bellatapare village; and thence due east till it intersects the median line of the Faro River.

3. The line then follows the median line of the Faro up-stream, as far as the junction of the Mao Hesso with the main stream; and afterwards the median line of the Mao Hesso, as far as a post, No. 6, on the left bank of the Mao Hesso, about 3 kilom. north-west of Beka. It then runs from the median line of the river at right angles to its course, to No. 6 post.

4. From No. 6 post the line runs straight to a conspicuous rock, on a slight eminence on the road from Gurin to Karin. This rock has a boundary mark (No. 7) "D ⅄ B" (Deutsch–British) cut into it. From this rock it runs straight to a post, No. 8, fixed on the road at the entrance to the pass through the Karin hills, north of the village of Karin.

5. From No. 8 post the line follows the median line of the pass through the Karin Hills, as far as a post No. 9, at its western opening.

6. From No. 9 post, it runs south-south-west, in straight lines defined by three posts, Nos. 10, 11, and 12, and from No. 12 to the highest point of the hill Samlo (a small rock about 1 metre in diameter at the top). The rock is indicated by a post, No. 13, fixed a few metres south-east of it. Samlo is a triangulation point, and the village of Labare, or Uro Doli, lies at the foot of it to the north-west.

7. From the Samlo rock it runs in a straight line across bush country to a post, No. 14, on the highest point of the hill, on the northern slope of which lies the village of Baraji.

8. From No. 14 post it runs straight to a post, No. 15, on the right bank of the Sanshi River at the point where it is crossed by the road from Baraji to Kojoli. From that post it runs at right angles to the course of the River Sanshi, as far as the median line. It then follows the median line of the Sanshi down stream as far as its confluence with the Mai-Ini; then follows the median line of the Mai-Ini up stream as far as the crossing of the Nassarawa–Bakorgel road. There it turns at right angles to the course of the river, to a post, No. 16, on the left bank of the Mai-Ini.

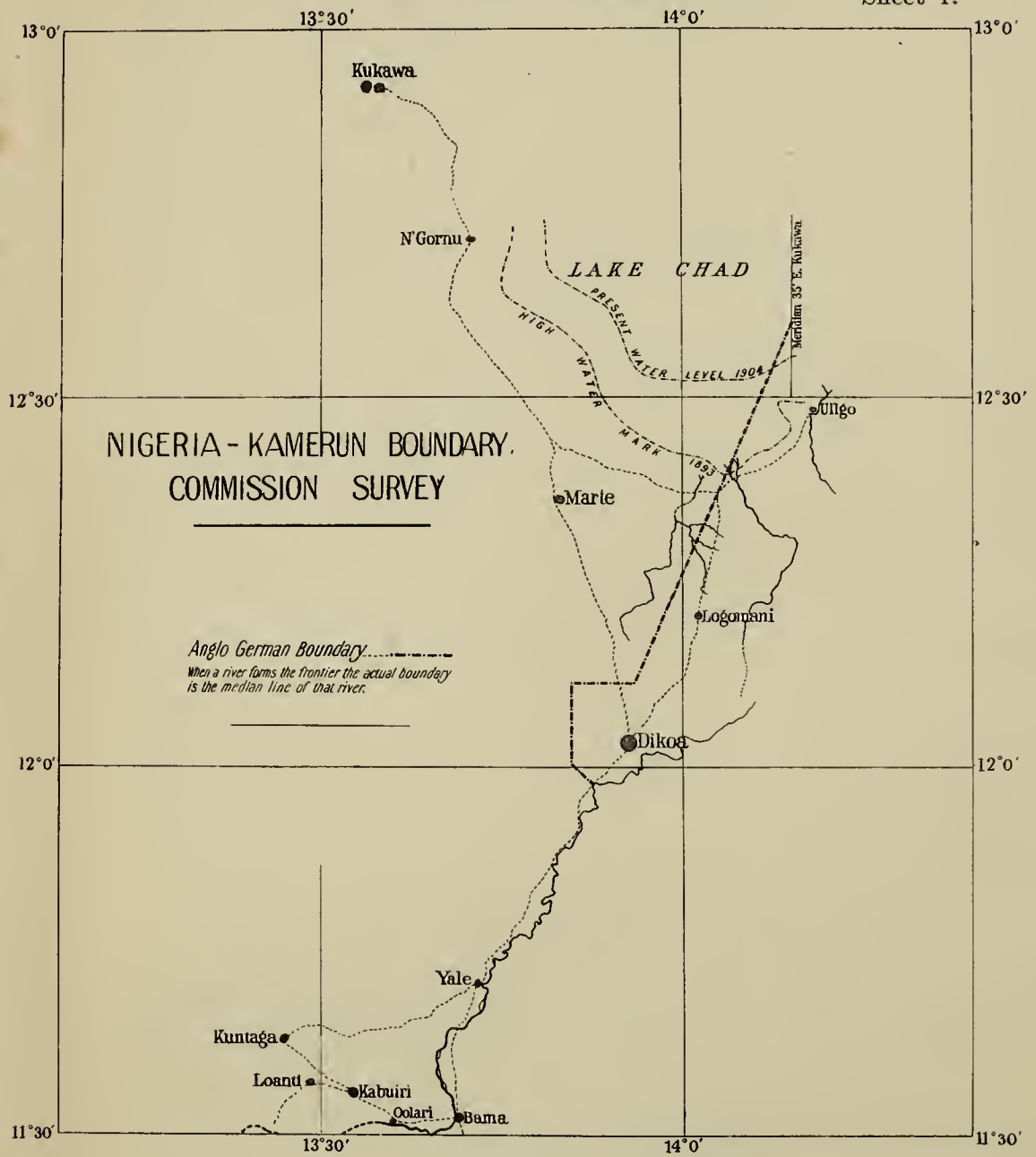
9. From No. 16 post the boundary runs straight for about 20 kilom. north-west, through a post, No. 17, which has been fixed (about $1\frac{1}{2}$ kilom. south-east of the village of Kinekoi) near the intersection of the arc with the line from the centre of Yola to the Cross River rapids, and finishes at its intersection with the latter line. The position of the Cross River Rapids not having been officially communicated to the Commission it is agreed that the position of the post, No. 17, may be altered,

To face page 940.

GREAT BRITAIN AND GERMANY.

ANNEX IIa to the Agreement of March 19, 1906.

Sheet 1.



Scale of map (No. 30) in Atlas or Pouch, 4 miles to 1·014 inches.

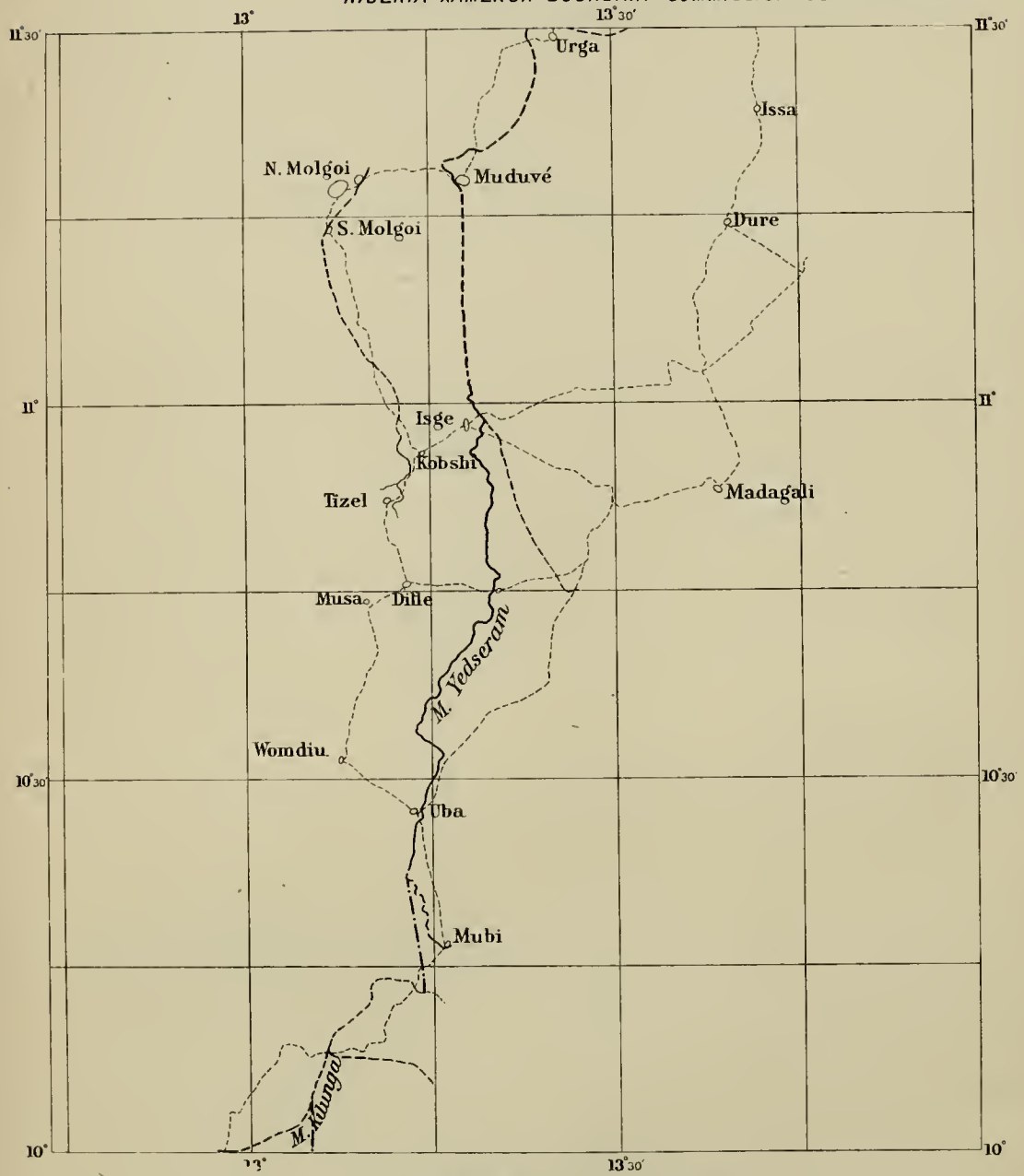
Ordnance Survey, Southampton

To face page 940.

GREAT BRITAIN AND GERMANY.

ANNEX II(b) to the Agreement of March 19. 1906.

NIGERIA-KAMERUN BOUNDARY COMMISSION SURVEY Sheet 2.



Scale of Map (No. 31) in Atlas or Pouch, 4 miles to 1·014 inches.

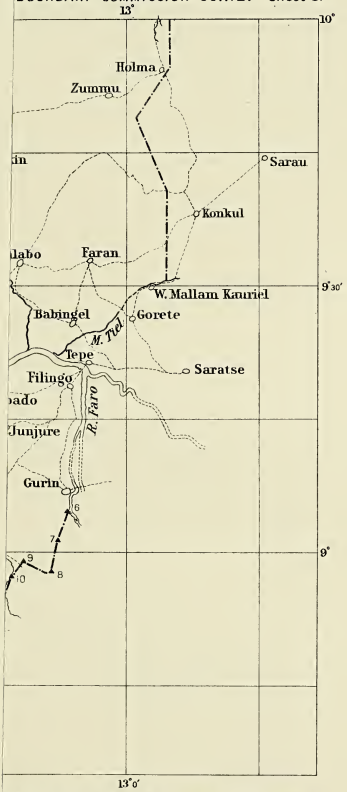
Ordnance Survey, Southampton.

To face page 940.

D GERMANY.

II(C) to the Agreement of March 19, 1906

BOUNDARY COMMISSION SURVEY Sheet 3.



32) in Atlas or Pouch, 4 miles to 1·014 inches.

Ordnance Survey, Southampton.

To face page 940.

GREAT BRITAIN AND GERMANY.

ANNEX II(C) to the Agreement of March 19, 1906

NIGERIA-KAMERUN BOUNDARY COMMISSION SURVEY Sheet 3.

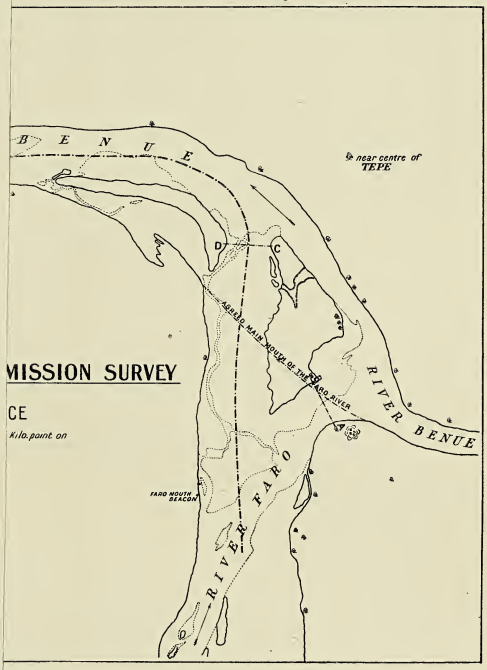
Scale of Map (No. 32) in Atlas or Pouch, 4 miles to 1·014 inches.

Ordnance Survey, Southampton.

To face page 940.

N AND GERMANY.

ANNEX II[(d)] to the Agreement of March 19, 1906.



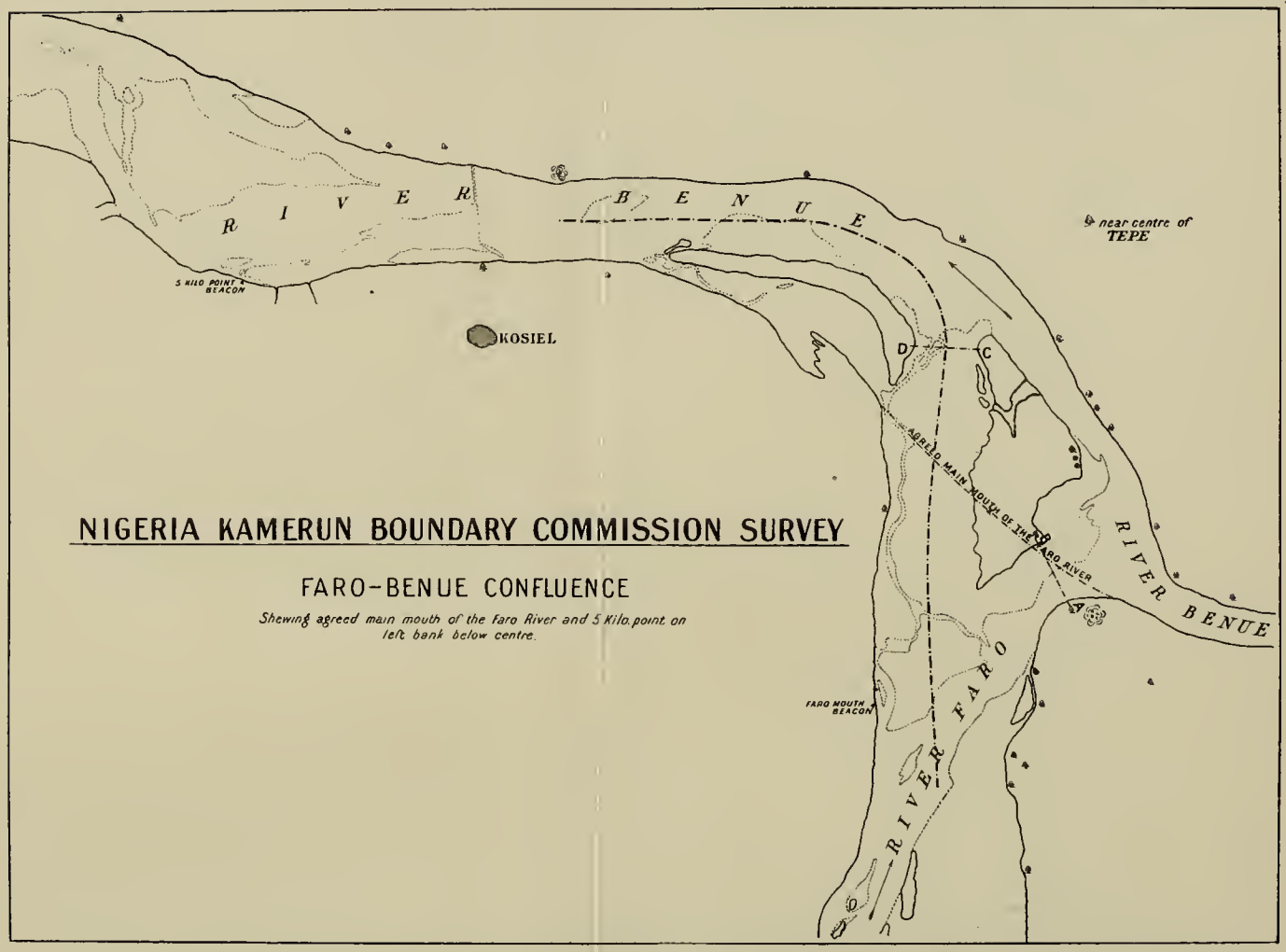
Scale of Map (No. 33) in Atlas or Pouch, 1 mile to 3·168 inches.

Ordnance Survey, Southampton.

To face page 940.

GREAT BRITAIN AND GERMANY.

ANNEX II(d) to the Agreement of March 19, 1906.



Scale of Map (No. 33) in Atlas or Pouch, 1 mile to 3·168 inches.

Ordnance Survey, Southampton.

if necessary, to accord with the results of the survey of the Commission charged with the delimitation of the boundary from the Cross River Rapids to Yola.

LOUIS JACKSON,
Lieuenant-Colonel, Royal Engineers,
Commissioner.

Annex II (*a*), (*b*), (*c*), and (*d*).

4 Maps attached hereto. [See Diagram Maps facing p. 940, and Maps Nos. 30 to 33 in Atlas (or Pouch).]

Annex III.

Mr. Whitehead to Sir Edward Grey.

Sir, *Berlin, 16th July,* 1906.

I HAVE the honour to report that I this day called by appointment on Herr von Tschirschky, Imperial Secretary of State for Foreign Affairs, and exchanged with his Excellency two corresponding notes, announcing the acceptance by the British and German Governments respectively of the Agreement signed in London on the 19th March last respecting the Anglo-German boundary between Yola and Lake Chad.

I have the honour to inclose Herr von Tschirschky's note in original, together with the German map of the boundary in question as well as a copy of my note as handed to his Excellency.

I have, &c.,
J. B. WHITEHEAD.

Inclosure 1.

Mr. Whitehead to Herr von Tschirschky.

Your Excellency, *Berlin, 16th July,* 1906.

IN compliance with instructions which I have received from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to inform your Excellency that His Britannic Majesty's Government accept the Agreement respecting the boundary between British and German territory from Yola to Lake Chad which was signed in London on the 19th March last.

I have the honour to inclose a copy of the British map which was attached to the above-mentioned Agreement.

I avail, &c.
J. B. WHITEHEAD.

Inclosure 2.

Herr von Tschirschky to Mr. Whitehead.

(Translation.)

Sir, *Berlin, 16th July,* 1906.

I HAVE the honour to inform you that the Imperial Government accept the Agreement respecting the boundary between German and British territory from Yola to Lake Chad, which was signed in London on the 19th March, this year.

I have the honour to inclose a copy of the German map which was attached to the above-mentioned Agreement.

VON TSCHIRSCHKY.

No. 285.—*AGREEMENT between Great Britain and Germany determining the Boundary between their respective Territories in East Africa (East and West of Lake Victoria).* Signed at Berlin, 18th July,* 1906.

[This was an Agreement arrived at by the Delegates of Great Britain and Germany subject to the approval of their Governments. It has not yet been confirmed.]

* In accordance with the Agreement of 1st July, 1890, p. 899.

GREAT BRITAIN AND ITALY.

GREAT BRITAIN AND ITALY.

LIST OF TREATIES, &c.

No.				Page
—	3 Feb., 1885.	Proclamation	Italian occupation of Massowah. (See Abyssinia, &c., and Italy.)	
286	24/31 May, 1887.	Exchange of Notes.	Surveillance. Coast of Red Sea	946
287	17 Aug., 1888.	Declaration....	Abolition of British Consular Jurisdiction at Massowah	947
—	22 Dec., 1890.	Agreement	Great Britain, Germany, and Italy. Tariff of Eastern Zone of Conventional Basin of the Congo. (See Africa (General).	
288	24 Mar., 1891.	Protocol	British and Italian Spheres of Influence in Eastern Africa. River Juba to Blue Nile	948
289	15 Apr., 1891.	Protocol	British and Italian Spheres of Influence. Ras Kasar to Blue Nile	949
290	5 May, 1894.	Agreement	British and Italian Spheres of Influence in Eastern Africa	951
291	22 Nov., 1901.	Declaration....	Soudan–Eritrean Frontier. [For Local Agreements relating to the Frontier between the Anglo-Egyptian Soudan and the Italian Colony of Eritrea, see Italy and Egypt]	952
—	15 May, 1902.	Treaty.....	Great Britain, Italy and Ethiopia. Frontiers between Ethiopia and Eritrea and Soudan and Eritrea. (See Abyssinia.)	
292	29 Jan., / 9 Feb., 1903.	Exchange of Notes.	Frontier between Abyssinia and East Africa Protectorate	953
293	13 Jan., 1905.	Agreement	Purchase by Italy of Benadir Coast, and Abandonment of Ex-territorial Rights in Zanzibar	954
294	13 Jan., 1905.	Agreement	Lease to Italy of Land near Kismayu, in the British East Africa Protectorate....	958
—	13 Dec., 1906.	Agreement	Great Britain, France and Italy. Abyssinia. (See Abyssinia.)	
295	19 Mar., 1907.	Exchange of Notes.	Italian Agreement of 1905 with Seyid Mahamed-bin-Abdulla	961

No. 286.—*NOTES exchanged between Great Britain and Italy fixing the Spheres of Surveillance to be Exercised by the two Governments on the Coast of the Red Sea.* (*Ras Kasar fixed as the limit.*) *London, 24th, 31st May,* 1887.

(1) *Count Corti, Italian Ambassador in London, to the Marquis of Salisbury.*

M. le Marquis, *Londres, le* 24 *Mai,* 1887.

J'AI reçu du Gouvernement de Sa Majesté le Roi l'ordre de faire connaître à votre Seigneurie ce qui suit.

Les faits qui se sont passés dans les régions Africaines de la Mer Rouge depuis l'occupation de Massaoua de la part des troupes Italiennes ont prouvé que de sérieux inconvénients résultent de l'état d'incertitude qui règne au sujet de la surveillance à exercer dans ces parages. Cette situation s'est encore aggravée dans le présent état des relations entre l'Italie et l'Abyssinie. Nul doute qu'il ne soit hautement désirable d'y porter remède.

C'est pourquoi le Gouvernement de Sa Majesté le Roi m'a chargé de faire à celui de Sa Majesté la Reine la double proposition suivante.

Il faudrait d'abord s'entendre pour fixer les limites dans lesquelles l'Administration Italienne et l'Administration Anglaise devraient exercer respectivement leur surveillance. Le Gouvernement de Sa Majesté le Roi propose que cette limite soit fixée à Ras Kasar de sorte que la côte située au midi de ce point demeurerait sous la surveillance des autorités Italiennes, et celle qui se trouve au nord de ce point resterait sous la surveillance des autorités Anglaises.

En second lieu, les Chefs des Administrations de Massaoua et Souakim recevraient l'instruction d'échanger entre eux des idées et des informations toutes les fois qu'il y aurait à prendre des décisions relativement au régime commercial le long de la côte soumise à la surveillance respective ; en tout cas chacune des deux Administrations donnerait à l'autre avis préalable des décisions qui seraient prises afin que quand même elles ne seraient pas identiques on puisse, du moins, les coordonner réciproquement.

J'ai l'honneur d'exprimer, au nom de mon Gouvernement, l'espoir que celui de Sa Majesté Britannique, animé du même désir de régulariser leurs positions respectives dans les régions dont il s'agit conformément aux intérêts des deux parties, voudra bien accepter la proposition que j'ai l'honneur de lui faire par la présente.

Je saisis, &c.,
L. CORTI.

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(2) *The Marquis of Salisbury to Count Corti.*

M. l'Ambassadeur, *Foreign Office,* 31*st May,* 1887

I HAVE the honour to acknowledge the receipt of your Excellency's letter, under date of the 24th instant.

Your Excellency has already pointed out to me, in conversation,

that the operations which it might be necessary for the Italian Government to undertake in the neighbourhood of Massowah render it important to them that, during the continuance of that state of things, the surveillance of the coast from Massowah as far north as Ras Kasar should be in their hands. At the same time, your Excellency informed me that the Italian Government would use their utmost endeavours to prevent the departure of any slave-trading vessels from the coast under their surveillance; and that they would raise no objection to the action of Her Britannic Majesty's cruizers in searching any vessel sailing off or from that coast which was suspected of the same offence.

With this understanding I have to express to your Excellency the readiness of Her Majesty's Government to comply with the request contained in your letter. Orders to that effect will be given by the Lords Commissioners of the Admiralty to the British Naval officers on the spot without delay.

I have, &c.,
SALISBURY.

No. 287.—*BRITISH DECLARATION. Abolition of British Consular Jurisdiction at Massowah. 17th August,* 1888.

Declaration.

WHEREAS the Island of Massowah, and the adjacent territories on the mainland, are occupied and administered by His Majesty the King of Italy,* and a judicial system has been established there, based on the principles of European law; and whereas Her Majesty's Government recognize that the system of the Capitulations is incompatible with the existing situation.

It is hereby declared that any Consular officers whom Her Majesty may appoint to reside at Massowah shall not take any exception, based on the Capitulations,† to the jurisdiction established there by His Italian Majesty's Government, and shall not exercise any rights and functions nor claim any privileges other than those which appertain to the Consuls of Her Britannic Majesty residing in the Italian Kingdom.

SALISBURY.

Foreign Office, 17th August, 1888.

* See Italian Proclamation, 3rd February, 1885, p. 450
† British Capitulations. Turkey. 1675. H.T., vol. ii, p. 346.

No. 288.—*PROTOCOL between the British and Italian Governments for the Demarcation of their respective Spheres of Influence in Eastern Africa, from the River Juba to the Blue Nile. Signed at Rome, 24th March*, 1891.

(Translation.)

The Undersigned,

The Marquis of Dufferin and Ava, Ambassador of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; and

The Marquis de Rudini, President of the Council, and Minister for Foreign Affairs of His Majesty the King of Italy;

After careful examination of the respective interests of the two countries in Eastern Africa, have agreed as follows:—

Line of Demarcation of British and Italian Spheres of influence from the River Juba to the Blue Nile.

Kismayu to remain to England.

I. The line of demarcation in Eastern Africa between the spheres of influence respectively reserved to Great Britain and Italy shall follow from the sea the mid-channel (thalweg) of the River Juba up to latitude 6° north, Kismayu with its territory on the right bank of the river thus remaining to England. The line shall then follow the 6th parallel of north latitude up to the meridian 35° east of Greenwich, which it will follow up to the Blue Nile.*

Line may be altered by mutual agreement.

II. If future explorations should hereafter show occasion, the line following the 6th parallel of north latitude and the 35th degree of longitude east of Greenwich, may, by common agreement be amended in its details in accordance with the hydrographic and orographic conditions of the country.

Equality of Treatment between British and Italian Subjects and protected Persons at Kismayu.

III. In the station of Kismayu and its territory, there shall be equality of treatment between the subjects and protected persons of the two countries, in all that relates to their persons, their goods, or to the exercise of any kind of commerce and industry.

Done at Rome in duplicate, the 24th March, 1891.

(L.S.) DUFFERIN AND AVA.
(L.S.) RUDINI.

[The demarcation of the British and Italian spheres of influence was completed towards the north, as far as the Red Sea, by the Protocol of 15th April, 1891. See p. 949.]

* See also Protocols, 15th April, 1891, p. 949, and 5th May, 1894, p. 951.

No. 289.—*PROTOCOL between Great Britain and Italy for the Demarcation of their respective Spheres of Influence in East Africa, from Ras Kasar to the Blue Nile.* 15*th April*, 1891.*

(Translation.)

BEING desirous of completing, towards the north as far as the Red Sea, the demarcation of the respective spheres of influence of England and Italy, which the two Parties have already agreed on by the Protocol of the 24th March last (**No. 288**), from the mouth of the Juba in the Indian Ocean to the intersection of 35° east longitude of Greenwich with the Blue Nile, the Undersigned :

The Marquis of Dufferin and Ava, Ambassador of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India ;

The Marquis de Rudini, President of the Council and Minister for Foreign Affairs of His Majesty the King of Italy ;

Have agreed as follows :—

Line of Italian Sphere of Influence from Ras Kasar to the Blue Nile.

I.—The sphere of influence reserved to Italy is bounded on the north and on the west by a line drawn from Ras Kasar on the Red Sea to the point of intersection of the 17th parallel north with the 37th meridian east Greenwich. The line having followed that meridian to 16° 30′ north latitude, is drawn from that point in a straight line to Sabderat, leaving that village to the east. From that village the line is drawn southward to a point on the Gash 20 English miles above Kassala, and rejoins the Atbara at the point indicated as being a ford on the map of Werner Munzinger "Originalkarte von Nord Abessinien und den Ländern am Mareb, Barca, und Anseba, de 1864" (Gotha, Justus Perthes), and situated at 14° 52′ north latitude. The line then ascends the Atbara to the confluence of the Kor Kakamot (Hahamot), whence it follows a westerly direction till it meets the Kor Lemsen, which it descends to its confluence with the Rahad. Finally, the line, having followed the Rahad for the short distance between the confluence of the Kor Lemsen and the intersection of 35° east longitude, Greenwich, identifies itself in a southerly direction with that meridian, until it meets the Blue Nile, saving ulterior amendment of details, according to the hydrographic and orographic conditions of the country.†

Right of Italy to occupy Kassala, &c., temporarily, in case of need.

II.—The Italian Government shall be at liberty, in case of being obliged to do so by the necessities of the military situation, to occupy Kassala and the adjoining country as far as the Atbara. Such occupa-

* See also Protocols, 24th March, 1891, p. 948, and 5th May, 1894, p. 951.

† See also Agreement between Italy and Egypt of $\frac{25\text{th June,}}{7\text{th July,}}$ 1895, p. 1108.

tion shall in no case extend to the north nor to the north-east of the following line :—

From the right bank of the Atbara, in front of Gos Rejeb, the line is drawn in an easterly direction to the intersection of the 36th meridian, east Greenwich ; thence, turning to the south-east, it passes 3 miles to the south of the points marked Filik and Metkinab on the above-mentioned map of Werner Munzinger, and joins the line mentioned in Article I, 25 English miles north of Sabderat, measured along the said line.

Reservation of Egyptian Rights over the said Territory.

It is nevertheless agreed between the two Governments that any temporary military occupation of the additional territory specified in this Article shall not abrogate the rights of the Egyptian Government over the said territory, but that these rights shall only remain in suspense until the Egyptian Government shall be in a position to re-occupy the district in question up to the line indicated in Article I of this Protocol, and there to maintain order and tranquility.

Non-construction of Irrigation Works on the Atbara which might affect its flow into the Nile.

III.—The Italian Government engages not to construct on the Atbara, in view of irrigation, any work which might sensibly modify its flow into the Nile.

Free passage of Italians and their Goods between Metemma and Kassala.

IV.—Italy shall have for her subjects and protected persons, as well as for their goods, free passage without duty on the road between Metemma and Kassala, touching successively El Affareh, Doka, Suk-Abu-Sin (Ghedaref), and the Atbara.

Done at Rome, in duplicate, this 15th of April, 1891.

(L.S.) DUFFERIN AND AVA.
(L.S.) RUDINI.

[See Map facing this page. Also General Map facing p. 1116.]

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AT BRITAIN AND ITALY

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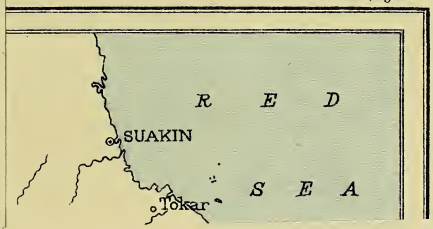
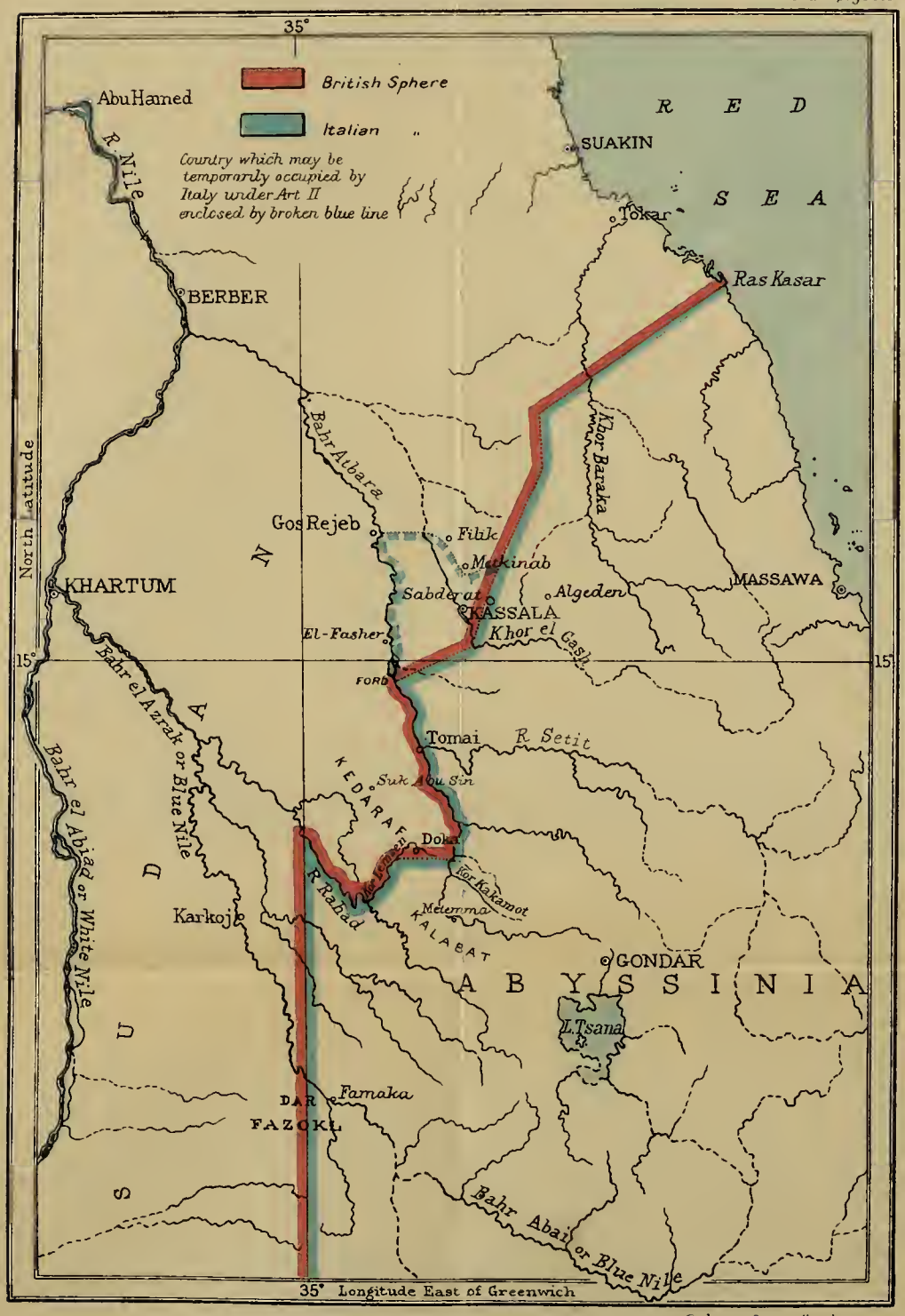
To face page 950



Map to Illustrate

PROTOCOL BETWEEN GREAT BRITAIN AND ITALY OF 15th April 1891.

To face page 950



Ordnance Survey Southampton.

Scale : 5,702,400 or 1 Inch = 90 Stat. Miles.

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No. 290.—*AGREEMENT between Great Britain and Italy defining their respective Spheres of Influence in Eastern Africa.* (*Somali, &c.*) *Rome, 5th May,* 1894.

"In order to complete the delimitation of the spheres of influence of Great Britain and Italy in Eastern Africa, which formed the subject of the Protocols signed at Rome on the 24th March (**No. 288**), and the 15th April, 1891 (**No. 289**), the Undersigned, authorized by their respective Governments, have agreed as follows :—

[Here follow the names of the Plenipotentiaries.]

Boundary. Spheres of Influence.

"1. The boundary of the spheres of influence of Great Britain and of Italy in the regions of the Gulf of Aden shall be constituted by a line which, starting from Gildessa and running towards the 8th degree of north latitude, skirts the north-east frontier of the territories of the Girrhi, Bertiri, and Rer Ali tribes, leaving to the right the villages of Gildessa, Darmi, Gig-giga, and Milmil. On reaching the 8th degree of north latitude the line follows that parallel as far as its intersection with the 48th degree of longitude east of Greenwich. It then runs to the intersection of the 9th degree of north latitude with the 49th degree of longitude east of Greenwich, and follows that meridian of longitude to the sea.*

Ogaden Regions. Trade.

"2. The two Governments engage to conform, in the regions of the British Protectorate and in those of the Ogaden,† to the stipulations contained in the General Act of Berlin (**No. 128**) and in the Declaration of Brussels (**No. 130**)‡ relative to freedom of trade, in favour as well of British and Italian subjects and protected persons as of the tribes inhabiting those territories.

Port of Zeyla. Trade, &c.

"3. In the Port of Zeyla there shall be equality of treatment between British and Italian subjects and protected persons in all that relates to their persons, their property, and to the exercise of trade and industry."

Rome, May 5, 1894.

FRANCIS CLARE FORD.
FRANCESCO CRISPI.

* See Map facing p. 952.

† The Chief of the Ogaden tribe placed his country under British protection by Agreement signed on the 1st September, 1896, see p. 387.

‡ Page 517.

[Anglo-Egyptian Soudan and Erythrea. Frontier from Jebel Abu Gamal to the Setit.]

No. 291.—*DECLARATION between Great Britain and Italy respecting the Soudan-Erythræan Frontier. Signed at Rome, 22nd November,* 1901.*

It is agreed that, in order to complete the delimitation of the frontier between the Anglo-Egyptian Soudan and Erythræa, a line shall be drawn from Abu Gamal (see Talbot-Colli Map), to be eventually demarcated by special Delegates in accordance with geographical features in a southerly direction as far as the junction of the Khor Um Hagar with the River Setit (see Talbot-Colli Map 36° 37′ east longitude).

The territory to the east of this line, which has been recognised as Soudanese territory by the Emperor Menelek, shall be transferred subject to his consent, to Erythræa.

The parallelogram west of this line and north of the Tomat-Todluc line shall be ceded by Italy to the Soudan.

As a consequence of this arrangement, the boundary line between the Soudan and Abyssinia from the Setit to Matamma shall be deflected towards the west, so as to leave on the Abyssinian side Nogaro and the trade route from Gondar northwards towards Erythræa.

The British and Italian Agents in Abyssinia will endeavour ("adopereranno") to obtain from the Emperor Menelek in return for this extension of the Abyssinian boundary, the cession of a zone of territory to the east of the Todluc–Maieteb line, which will give to Erythræa the whole of the Kunama tribe up to the Mareb.

Should these negotiations, after a reasonable lapse of time, prove unsuccessful, negotiations shall be resumed in Rome between the Italian and British Delegates with the object of tracing the boundary between the Anglo-Egyptian Soudan and Abyssinia on the basis of the Todluc–Ombrega or Maieteb–Jebel–Obar lines, whilst, as regards the boundary between the Soudan and Erythræa, the *status quo ante* of the territory north of the Tomat–Todluc line shall be preserved.

Done at Rome, this 22nd day of November, 1901.

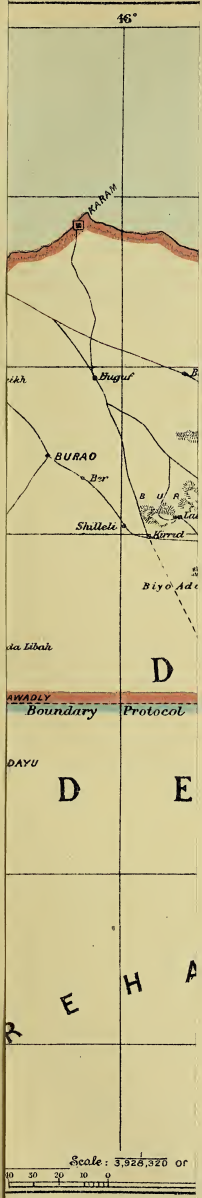
RENNELL RODD.
GLEICHEN.
J. L. HARRINGTON.
MARTINI.
G. AGNESA.
F. CICCODICOLA.
A. BODRERO

Note.

A rectified frontier-line was demarcated by the British and Italian Commissioners, a description of which is given in the Agreement of 18th February, 1903 (**No. 344**). For local Agreements relating to the frontier between the Anglo-Egyptian Soudan and the Italian Colony of Eritrea, see Italy and Egypt, p. 1084.

* See also Agreement between Great Britain, Italy and Ethiopia, of 15th May, 1902, p. 433.

AGREEMENT BE



MAP TO ILLUSTRATE BOUNDARY AGREEMENT BETWEEN GREAT BRITAIN AND ITALY OF 5 MAY 1894.

To face page 952

Reduced from Intelligence Dept W. O. Map No 288 of 1893

Ordnance Survey, Southampton

No. 292.—*NOTES exchanged between the British and Italian Governments relative to the observance of the Protocol of 24th March, 1891, in the Settlement of the Frontier between Abyssinia and the East Africa Protectorate. Rome, 29th January, 9th February,* 1903.

No. 1. *The British Chargé d'Affaires at Rome to the Italian Under-Secretary of State for Foreign Affairs.*

British Embassy, Rome, 29th January, 1903.

Monsieur le Ministre.

WITH reference to the conversations which I have had with your Excellency and with Signor Agnesa, on the subject of the frontier between Abyssinia and the British East Africa Protectorate, I am authorized by His Majesty's Principal Secretary of State for Foreign Affairs to inform your Excellency that His Majesty's Government have every desire to work in accord with the Government of His Majesty the King of Italy, in negotiating the settlement of this frontier, and to make no arrangements which would be prejudicial to Italian interests. His Majesty's Representative at Adis Ababa will receive renewed instructions in this sense.

I am also authorized to assure your Excellency that His Majesty's Government will not agree to any stipulation involving an alteration of the line of frontier laid down by the Anglo-Italian Protocol of the 24th March, 1891 (**No. 288**), without informing the Italian Government of the proposed modifications and obtaining their concurrence.

Trusting that these assurances will be satisfactory to the Italian Government,

I avail, &c.,
RENNELL RODD.

No. 2. *The Italian Under Secretary of State for Foreign Affairs to the British Ambassador at Rome.*

(Translation.)

M. le Ambassadeur. *Rome, 9th February,* 1903.

I HAVE the honour to acknowledge the receipt of the note of the 29th January, in which Sir Rennell Rodd informs me that he had been authorized by the Principal Secretary of State for Foreign Affairs to state that the British Government have every desire to act in accord with the Italian Government in the negotiations for determining the boundaries between Abyssinia and the British East Africa Protectorate, and not to arrive at any agreement which might prejudice the interests of Italy; further, that the Representative of His Britannic Majesty at Adis Ababa will receive fresh instructions in that sense.

Sir Rennell Rodd adds that he had also been authorized to assure me that the Government of His Britannic Majesty will make no stipulation which would involve an alteration in the line of frontier established by the Anglo-Italian Protocol of the 24th March, 1891, without previously

informing the Italian Government of the proposed modifications and obtaining their consent.

It is with pleasure that I take act of such declarations, begging your Excellency to make known to the Marquess of Lansdowne that they are, in the opinion of the King's Government, a fresh proof of that harmony of views which now governs the relations between the two friendly and allied Powers.

I avail, &c.,
ALFREDO BACCELLI.

Note.—An Agreement relative to the frontiers between British East Africa, Uganda and Ethiopia, was signed by the British Chargé d'Affaires at Adis Ababa and the Emperor Menelek on the 6th December, 1907. See Abyssinia, p. 445.

No. 293.—*AGREEMENT between Great Britain and Italy, respecting the Benadir Coast and Jurisdiction in Zanzibar. London, 13th January*, 1905.

No. 1.

The Marquess of Lansdowne to Signor Pansa.

Your Excellency, *Foreign Office, January 13th*, 1905.

In pursuance of previous communications on the subject of an accord between the Zanzibar Government and the Government of His Majesty the King of Italy for the purchase by the Italian Government of all the sovereign and other rights of His Highness the Sultan of Zanzibar over the towns, ports, and territory of the Benadir Coast, of which the Administration is now vested in the Italian Government under the Agreement dated the 12th August, 1892 (**No. 334**), as amended by the Additional Article dated the 1st September, 1896 (**No. 336**), I have now the honour to propose to your Excellency, in the name of the Government of His Highness the Sultan of Zanzibar and on behalf of His Majesty's Government, the following terms of Agreement :—

Purchase by Italy of Benadir Coast.

I.—The Italian Government will pay to the Government of Zanzibar the sum of 144,000*l.* This sum, or its sterling equivalent, shall be lodged in the Bank of England to the credit of the Zanzibar Government within three months of the exchange of Notes recording the Agreement.*

* The term for effecting the payment was prolonged pending the approval of the Agreement by the Italian Parliament. Payment was actually made on 3rd July, 1905, into the Bank of England, which remitted the sum to the Crown Agents for the Colonies, who gave the following receipt :—

"Received of the Government of Italy the sum of one hundred and forty-four thousand pounds in pursuance of the Anglo-Italian Agreement of the 13th January,

The rent now payable by the Italian Government* shall continue to be paid up to the day on which the purchase money is paid into the Bank.

On the payment of the above-mentioned sum, all rights specially reserved to His Highness the Sultân under the Agreements of 1892 and 1896 shall cease and determine. All subjects of His Britannic Majesty and other British-protected persons, and all subjects of His Highness the Sultan of Zanzibar, shall continue to enjoy in the towns, ports, and territory in question all the privileges and advantages with respect to commerce and shipping which are, or may be, accorded to the subjects of the most favoured nation.

Abandonment by Italy of Ex-territorial Rights in Zanzibar.

II.—On the same day on which the arrangement indicated in (I.) comes into force, all the rights of extra-territoriality now enjoyed by Italy under Treaty, Agreement, or usage, in the dominions of His Highness the Sultan of Zanzibar, shall absolutely cease and determine ; and on and after that date the extra-territorial jurisdiction hitherto exercised by His Majesty the King of Italy in His Highness' dominions shall be transferred to His Britannic Majesty's Court for Zanzibar, as constituted under " The Zanzibar Order in Council, 1897."†

British Right of Pre-emption. Benadir Coast.

III.—The Italian Government undertake that if at any time Italy should desire to give up the towns, ports, and territory in question, Great Britain shall have the right of pre-emption.

I beg your Excellency to do me the honour to inform me whether the Italian Government consent to these terms of Agreement.

I have, &c.,
LANSDOWNE.

No. 2.

Signor Pansa to the Marquess of Lansdowne.

(Translation.)

My Lord, *Italian Embassy, London, 13th January,* 1905.

In your note of to-day's date your Lordship has done me the honour of communicating to me, in conformity with our preceding correspondence, the terms of a Convention between the Government of His

1905, for the redemption of the Ports of Brava, Merca, Mogadiscio and Warsheik and annexed territories already occupied by Italy in accordance with the Agreement of the 12th August, 1892.

" For the Government of Zanzibar.

" E. E. BLAKE,
" *Crown Agent for the Colonies.*

" *London, 7th July,* 1905."

* See Agreement (1892, p. 1094) and Additional Article (1896, p. 1103) above referred to.

† See Exchange of Notes, $\frac{5th}{9th}$ July, 1905, as to the cessation of Italian jurisdiction as from the 8th July, 1905, p. 325.

Majesty the King of Italy and the Government of Zanzibar for the acquisition, on the part of Italy, of all the sovereign and other rights appertaining to His Highness the Sultan of Zanzibar over the towns, ports, and territories of the Benadir Coast, the Administration of which is now vested in the Italian Government under the Convention of the 12th August, 1892, as modified by the Additional Article of the 1st September, 1896. The said terms proposed by your Lordship in the name of the Government of His Highness the Sultan of Zanzibar and on behalf of His Majesty's Government are as follows :—

I.—The Italian Government will pay to the Government of Zanzibar the sum of 144,000*l.* This sum, or its equivalent, shall be lodged in the Bank of England to the credit of the Government of Zanzibar within three months of the exchange of Notes recording this Agreement.

The rent now payable by the Italian Government shall continue to be paid up to the day on which the aforesaid sum shall be lodged at the Bank.

On the payment of the said sum all the rights specially reserved to His Highness the Sultan under the Agreements of 1892 and 1896 shall cease to exist.

All the subjects of His Britannic Majesty and other British-protected persons, as well as all the subjects of His Highness the Sultan of Zanzibar, shall continue to enjoy in the cities, ports, and territories in question all the privileges and advantages with respect to commerce and navigation which are or may be accorded to the subjects of the most favoured nation.

II.—On the same day on which the arrangements mentioned in the preceding Article came into force, all the rights of extra-territoriality now enjoyed by Italy under Treaties, Conventions, or usage in the dominions of His Highness the Sultan of Zanzibar shall absolutely cease; and on and after that date the extra-territorial jurisdiction hitherto exercised by His Majesty the King of Italy in the said dominions of His Highness shall be transferred to His Britannic Majesty's Court for Zanzibar, as constituted under "The Zanzibar Order in Council, 1897."*

III.—The Italian Government undertake that if, at any time, Italy should desire to give up the towns, ports, and territories in question Great Britain shall have the right of pre-emption.

In accordance with instructions received from His Excellency the Minister of Foreign Affairs, I have the honour to inform your Lordship that the Government of His Majesty the King of Italy accept the proposals referred to above, subject to the necessary approval of the Italian Parliament.†

* See Exchange of Notes of $\frac{5th}{9th}$ July, 1905, as to the cessation of Italian jurisdiction as from the 8th July, 1905, p. 325.

† Agreement approved by Italian Law of 2nd July, 1905.

No. 3.

Signor Pansa to the Marquess of Lansdowne.

(Translation.)

My Lord, *Italian Embassy, London, 13th January,* 1905.

In my other communication of to-day I had the honour of informing your Lordship that the Italian Government consent to the terms of the Agreement contained in your Lordship's note of the same date respecting the purchase of all the sovereign and other rights appertaining to His Highness the Sultan of Zanzibar over the towns, ports, and territories of the Benadir Coast.

With reference, however, to the last paragraph of Art. I of that Agreement, relative to the privileges and advantages guaranteed therein to the subjects of His Britannic Majesty and other British-protected persons, as well as to all the subjects of His Highness the Sultan of Zanzibar, I am instructed by my Government to point out to your Lordship that, if the proviso in question is to be held to apply equally to coloured persons, the Italian Government might eventually find themselves bound to extend more favourable treatment to these latter than to their own subjects of the same category.

The Italian Government desire accordingly to reserve to themselves the right to act within the territories in question in such a way that the eventual special Regulations applicable to their own coloured subjects may be equally applicable to coloured persons who may be British subjects or British-protected persons or subjects of His Highness the Sultan of Zanzibar.

I should be grateful if your Lordship would do me the honour to inform me whether His Britannic Majesty's Government agree to this reservation.

I have, &c.,
PANSA.

No. 4.

The Marquess of Lansdowne to Signor Pansa.

Your Excellency, *Foreign Office, 13th January,* 1905.

I have the honour to acknowledge your note of this day's date, in which you inform me that the Italian Government desire to reserve to themselves the right to make such Regulations as may be applicable, within Benadir territory, to their own coloured subjects equally applicable to coloured persons who may be British subjects of British-protected persons or subjects of His Highness the Sultan of Zanzibar.

I beg leave to inform your Excellency that His Majesty's Government agree to this reservation, but it is, of course, understood that

they retain the right to make representations to the Italian Government in regard to any such Regulations as may appear to them to be of an unusual character or likely to prove injurious in their practical working.

I have, &c.,
LANSDOWNE.

No. 294.—*AGREEMENT between Great Britain and Italy, respecting the Lease by Great Britain to Italy of Land near Kismayu. London, 13th January*, 1905.

No. 1. *The Marquess of Lansdowne to Signor Pansa.*

Your Excellency, *Foreign Office, 13th January*, 1905.

With reference to my other note of this day's date, I have the honour to submit to your Excellency the following terms of an Agreement dealing with the lease to the Italian Government of a plot of land in the neighbourhood of Kismayu, as well as the right of passage between that place and a point in Italian territory near the mouth of the River Juba :—

I.—His Britannic Majesty's Government agree to lease to the Italian Government an area of land on the east side of Kismayu in the British East Africa Protectorate, not exceeding 150 yards square, for the erection of a bonded warehouse, or other necessary building. His Britannic Majesty's Government will also lease to the Italian Government sufficient ground on the foreshore of the spit, lying south-east of the existing British pier at Kismayu, for the erection of a pier for the use of the Italian Government, together with a right of way from the said pier to the warehouse mentioned above, and from there to a point on the River Juba opposite Giumbo.

II.—The exact site of the area of land and of the pier, and the course of the right of way, shall be agreed locally by two officers, of whom each Government shall appoint one. The said area of land shall be as nearly as possible contiguous to the pier. When the boundaries of the area of land and the site of the pier, and the course of the right of way, have been agreed and marked out by the two officers, a plan thereof, signed by both of them, shall be sent to each Government.

III.—The Italian Government shall pay for the land leased an annual rent of 1*l.*

IV.—The lease shall be in force for thirty-three years from this date, but if the Italian Government shall show to the satisfaction of His Britannic Majesty's Government that the amount spent within ten years from this date on the erection of the pier and buildings exceeds 5,000*l.*, then the lease shall be in force for sixty-six years ; or, if the amount so shown to be spent exceeds 10,000*l.*, then the lease shall be in force for ninety-nine years.

V.—On the determination of the lease the buildings erected on the land shall become the property of His Britannic Majesty's Government.

VI.—The Italian Government shall be at liberty to erect on the area of land referred to in Art. I such accommodation as may be necessary for the temporary shelter of Italian troops landing at Kismayu *en route* for Giumbo in the Italian sphere, but no such troops shall be landed at Kismayu without the previous consent of His Britannic Majesty's Government.

This restriction, however, shall only apply to the landing of such troops for expeditionary purposes; in the case of ordinary reliefs, it shall be sufficient if due notice is given beforehand to the local British Commandant.

VII.—Import duties imposed on goods landed at the pier to be erected by the Italian Government shall be refunded in accordance with the Transit and Re-export Regulations for the time being in force in the British East Africa Protectorate if the goods are eventually removed to the Italian sphere.

VIII.—Nothing herein shall be construed to exempt either the land leased or the persons thereon from the Laws and Regulations in force in the British East Africa Protectorate, subject to which, however, employés of the Italian Government resident in the leased territory shall be free to exercise the functions of their respective offices.

I beg your Excellency to do me the honour to inform me whether the Italian Government consent to these terms of Agreement.

I have, &c.,
LANSDOWNE.

No. 2. *Signor Pansa to the Marquess of Lansdowne.*

(Translation.)

My Lord, *Italian Embassy, London, 13th January*, 1905.

With reference to your preceding note of to-day, I have received the note of the same date which your Lordship has done me the honour of addressing to me, communicating in the following terms the conditions of an Agreement for the lease to the Italian Government of a plot of land in the neighbourhood of Kismayu, as well as the right of passage between that place and a point in Italian territory near the mouth of the Juba :—

I.—His Britannic Majesty's Government agree to lease to the Italian Government an area of land on the east side of Kismayu, in the British East Africa Protectorate, not exceeding 150 yards square, for the erection of a bonded warehouse or other necessary building. His Britannic Majesty's Government will also lease to the Italian Government sufficient ground on the foreshore of the spit to the south-east of the existing British pier at Kismayu for the erection of a pier for the use of the Italian Government, together with a right of way from the said pier to the warehouse mentioned above, and from there to a point on the River Juba opposite Giumbo.

II.—The exact site of the area of land and of the pier, as well as the course of the right of way in question, shall be fixed on the spot by two officers, each of whom shall be appointed by his respective Government. The said area of land shall be, as far as possible, contiguous to the pier. When the boundaries of the area of land and the site of the pier and the course of the right of way shall have been agreed upon and marked out by the two officers, they shall make a plan thereof, to be signed by both, and forward it to their respective Governments.

III.—The Italian Government shall pay for the land leased an annual rent of 1*l.*

IV.—The lease shall be in force for thirty-three years from the present date, but if the Italian Government shall show to the satisfaction of His Britannic Majesty's Government that the amount spent within ten years from this date on the erection of the pier and buildings exceeds 5,000*l.*, then the lease shall be in force for sixty-six years; or if the amount so shown to be spent exceeds 10,000*l.*, then the lease shall be in force for ninety-nine years.

V.—On the termination of the lease, the buildings erected on the land shall become the property of His Britannic Majesty's Government.

VI.—The Italian Government shall be at liberty to erect on the area of land mentioned in Art. I such accommodation (buildings) as may be necessary for the temporary shelter of Italian troops landing at Kismayu *en route* for Giumbo in the Italian sphere, but no such troops shall be landed at Kismayu without the previous consent of His Britannic Majesty's Government.

This restriction, however, shall only apply to the landing of such troops for expeditionary purposes; in the case of ordinary garrison reliefs, it will be sufficient if due notice is given beforehand to the local British Commandant.

VII.—Import duties imposed on goods landed at the pier to be erected by the Italian Government shall be refunded, in accordance with the Transit and Re-export Regulations for the time being in force in the British East Africa Protectorate, if the goods are eventually removed to the Italian sphere.

VIII.—Nothing in these Articles shall be construed to exempt either the land leased or the persons residing thereon from the Laws and Regulations in force in the British East Africa Protectorate, subject to which, however, employés of the Italian Government residing in the leased territory shall be free to exercise the functions of their respective offices.

In accordance with instructions received from his Excellency the Minister for Foreign Affairs in Rome, I have the honour to inform your Lordship that the Government of His Majesty the King of Italy accept the proposals referred to above, subject to the necessary approval of the Italian Parliament.*

I have, &c.,
PANSA.

* Agreement approved by Italian Law of 2nd July, 1905.

No. 295.—*NOTES exchanged between the British and Italian Governments respecting the Italian Agreement of* 1905 *with Seyid Mahamed-bin-Abdulla. London, 19th March,* 1907.

(1.) *Sir Edward Grey to Count de Bosdari.*

Sir, *Foreign Office, 19th March,* 1907.

I HAVE the honour to transmit herewith a Memorandum, recording the supplementary and explanatory Agreement which has been arrived at between the British and Italian Governments, in order to elucidate certain points in the Agreement of the 5th March, 1905 (**No. 347**), between the Italian Government and Seyid Mahamed-bin-Abdulla.

I should be glad if you would address to me a note, enclosing a Memorandum drawn up in identical terms.

I have, &c.,
E. GREY.

Inclosure.

Memorandum.

IT is to be understood that where the word "tribes" is used in the Agreement of the 5th March to describe the followers of the Seyid Sheikh Mahamed-bin-Abdulla, this word is intended to denote only any individuals belonging to the Somali tribes who, for the time being, are with the Mullah, and that therefore the word "tribes" must be considered to denote merely followers.

2. With reference to the clause in Art. 1 of the Agreement of the 5th March relating to the relations between the Government of Abyssinia and its dependents on the one hand, and the Dervishes on the other hand, and in order to avoid any misunderstanding which may arise in translating the original Arabic version of the Agreement of the 5th March, it is to be understood that neither the British nor the Italian Government accepts any responsibility for the relations between the Dervishes and the Abyssinian Government or their dependents. The responsibility of the Italian and British Governments remains limited to the tribes and people over whom they claim control.

3. With reference to the 3rd clause of Art. 1, it is to be understood that when the interests of British tribes are concerned, differences between the Seyid's people and the British tribes will be referred to local Representatives of both the Italian and the British Governments, and in the event of these Representatives being unable to arrive at a satisfactory agreement, the matters in dispute will be referred to their respective Governments.

It is further agreed that, except on non-contentious matters, such as the interchange of friendly communications and other matters where, in order to avoid undesirable delay, direct communication is considered necessary, all communications between the British authorities of the Somaliland Protectorate and the Mullah Seyid Mahamed Abdulla, and *vice versâ*, shall pass through the Italian authorities at Aden.

Copies of all correspondence exchanged direct in the exceptional cases above mentioned shall be forwarded immediately to the Italian authorities at Aden.

4. With reference to the clause in Art. 4, which defines the limits of pasturage granted by the British Government to the Dervishes, the pasture of Baran shall be included, between Tifafle and Damot; and, moreover, provided it is found by subsequent local inquiry that there are no obstacles to the following alteration being made, the line defining the limits of pasturage accorded to the Dervishes may be extended into the Italian territory so as to reach the pools of Kurmis. This arrangement is made in order to obviate direct contact between the Dervishes and the British tribes, the zone between this line and Bohotle being considered as neutral.

Taking the above modifications into consideration, the line of pasturage up to which the Dervishes may graze from the south shall be amended to read as follows:—

From Halin to Hodin, Hodin to Tifafle, Tifafle to Baran, Baran to Damot, Damot to Kurmis.

Anglo-Italian Understanding as regards Customs Dues on Somali Coast.

5. It is recognised that on the Somali Coast there shall be a cordial common understanding between the British and Italian Protectorate, with regard to customs dues and a general control of the coast line, and that whenever either of the above Governments may find it necessary to impose provisional measures of punitive restriction on the commerce of any of their tribes, the other Government shall also, on being requested to do so, and for good cause shown, adopt similar restrictions against the defaulting tribe.

As regards customs dues, it is, however, recognised that, as direct Italian administration does not yet exist on the Mijjertein Coast, the Italian Government is at liberty, subject to the provisions of any general Treaties which may have already received the assent of both Governments, to impose customs dues whenever and in such a manner as it may consider fit, but it will remain understood that so far as present customs arrangements between the two Administrations on the Somali Coast are concerned, the arrangements will be that, whenever there is a difference between the local customs dues of the two Administrations, the less favoured tribes will be obliged to pay to the Administration through whose territory those tribes elect to trade the same dues which they would have had to pay had they elected to trade through the territory of their own Government.

The above conditions are intended to prevent evasion of customs dues and supervisions.

*Position of Bender Ziadeh.**

6. A complication having recently arisen in regard to the geographical position of Bender Ziadeh, and whereas this town was

* See § 2 of Agreement with France of the $\frac{2nd}{9th}$ February, 1888, p. 726.

formerly determined to be to the eastward of the 49° meridian (Greenwich), and therefore in the Italian Protectorate, but has now been shown by astronomical observations to be on the west of the above meridian, and therefore within the British sphere, it is agreed by the British Government that this alteration in the location of the 49° meridian shall in no way affect the arrangements formerly agreed upon as to Bender Ziadeh.

Compensation to the Italian Mijjertein Tribes.

7. It being admitted by the British Government that it is possible that the passage of the British troops and their dependents or auxiliaries close to the pastures of the Italian Mijjertein tribes may have had the effect of disorganising the arrangements for pasturing the flocks, and that, in consequence, the Mijjertein may possibly have suffered a portion at least of the losses which they represent they have suffered as a result of the operations, and having in view the desire of the British Government that no cause for dissatisfaction shall remain to disturb the future peaceful relations of the Italian tribes and those under British control, the British Government agrees to place at the disposal of the Italian Government a sum of £4,000 in satisfaction of all past claims against British expeditions, whether arising in relation to the operations of the last British expedition or any previous British expeditions.

Foreign Office, 20th February, 1907.

(2.) *Count de Bosdari to Sir Edward Grey.*

(Translation.)

Italian Embassy, London,
19th March, 1907.

Your Excellency,

I HAVE the honour to acknowledge receipt of your Excellency's note of to-day's date, enclosing a Memorandum containing the supplementary and explanatory Agreement concluded between the British and Italian Governments for the purpose of elucidating certain points in the Agreement of the 5th March, 1905, between the Italian Government and Seyid Mahamed-bin-Abdulla.

By order of my Government I transmit herewith a Memorandum drawn up in identical terms* and have, &c.,

A. DE BOSDARI.

* See Inclosure in No. 1, p. 961.

GREAT BRITAIN AND LIBERIA.

(See LIBERIA.)

GREAT BRITAIN AND MOROCCO.

GREAT BRITAIN AND MOROCCO.

LIST OF TREATIES, &c.

No.			Page
296	13 Mar., 1895.	Agreement. Purchase by Morocco of Property of the North-West Africa Company at Cape Juby	970

See also MOROCCO, p. 1145.

[North-West Africa Company. Cape Juby.]

No. 296.—*AGREEMENT between the British and Moorish Governments, respecting the purchase by Morocco of the property of the North-West Africa Company in Terfaya (Cape Juby). Signed, 13th March,* 1895.*

(Translation.)

AGREEMENT as concluded between the two persons who are going to sign at the end of this document, and they are—the Vizier, the honoured, the worthy Cid Hamad-ben-Moosa-ben-Hamad, and the gentleman the Minister, Mr. Satow; and they have agreed to the six following clauses below, concerning the Government (Moorish) buying, from the English Company called the North-West African, the buildings, &c., in the place that is known by the name Terfaya, that is, in the country of the tribe of Tekna.

Lands between Wad Draa and Cape Bojador belong to Morocco.

1*st Clause.*—If this Government buy the buildings, &c., in the place above named from the above-named Company, no one will have any claim to the lands that are between Wad Draa and Cape Bojador, and which are called Terfaya above named, and all the lands behind it, because all this belongs to the territory of Morocco.

Such Lands not to be given to any other Power.

2*nd Clause.*—It is agreed that this Government shall give its word to the English Government that they will not give any part of the above-named lands to anyone whatsoever without the concurrence of the English Government.

All Property of Company to be handed over to Morocco for 50,000*l.*

3*rd Clause.*—If this Government buy the buildings in the place above named from the Company above named, the whole of the property shall belong to them, namely, the buildings with their stones and wood, that are on the land or out at sea (*i.e.*, the reef), and the whole of the property that is inclosed in the walls of the buildings, whether on the land or at sea, including cannons and any other property, and no one shall be able to lay claim of any kind whatsoever to the above properties or lands; and the price this Government is to pay for all this to the above-named Company is put down at 50,000*l.*, half at the signing of this document, the other half when the Government receives over into their hands the above-named lands from the Company above mentioned.

Places belonging to late Company to remain open to Trade. Customs Duties.

4*th Clause.*—If the Moorish Government take over the place named from the Company named by buying it, it shall remain open for buying

* See p. 537 (Africa, North-West) as to acquisition of territory by Mr. Donald Mackenzie.

and selling, and the Customs duties for exports and imports shall be the same as at other ports on the coast.

Moorish Government not to be compelled to build Houses, &c., for Merchants.

5th Clause.—If the Moorish Government take over the place named from the Company named by buying it, the Moorish Government shall not build from the money of the Treasury any houses for the merchants to live in, or stores for their merchandize, and shall not supply boats to land or ship cargo until such time as it may please the Sultan to do so.

Right of Merchants to build Houses, &c., at their own expense.

6th Clause.—If any merchants wish to bring merchandize to the place named, and take a letter from the Minister of their nation, this Government shall allot to them a piece of ground at a rental to build suitable stores or dwelling-houses, at the merchants' own expense, for 20 years, and at the end of 20 years, the said allotments, with the buildings thereon, shall become the property of the Moorish Government.

Agreement of Sultan of Morocco to above Clauses.

(After compliments.)

I have shown the six clauses written above to the Sultan—God give him the victory—about the Agreement between us concerning these six clauses about the buying for the Government of our Lord the buildings of the place named above. The Emperor—God help him—agreed to them all, and allowed them all. Also he grants his consent to the buying of the buildings for his Government—God prosper them—from the Company named above for 50,000*l.*, half of it at once, and the other half when the Government receive over the place named, which shall be within six months, counting from the 1st Shawal next to the end of Rabia I next, and the Sultan—God bless his soul—has ordered me to write the above. And also the Government perhaps will get ready some people belonging to them to go to the place above named at once, before they receive it over, and when they send them they will let you know, so that you can give them a letter from you to the Englishmen there, so that they will receive them.

HAMAD-BEN-MOOSA-BEN-HAMAD.

16 *Ramadan*, 1312 (*March* 13, 1895).

Agreement of British Envoy to above Clauses.

Supplementary Clause.

To the worthy, honoured, and wise Vizier, Cid Hamad-ben-Moosa-ben-Hamad.

I agree to the six clauses written above, and I also agree to the Company above named selling the buildings at the place above named

to the Government of the Sultan—may God bless him—for a sum of 50,000*l.*, the Government to pay half at once, the other half within six months, counting from the 1st Shawal next (28th March) to the end of Rabia I next (19th September), and the transfer of the place above named to the Moorish Government by the Company above named shall take place whenever the Moorish Government pays down the remaining half, namely, 25,000*l.*, to the above-named Company.

In token whereof I hereto append my signature, this 13th day of March, 1895, being duly authorized thereto by Her Britannic Majesty's Government.

If the Moorish Government desire to send any officials to reside at Cape Juby there is no objection, but before doing so they must let me know, that I may write a letter to the Englishmen in charge there to receive them.

ERNEST SATOW, *Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary.*

See also Morocco, p. 1145.

GREAT BRITAIN AND NETHERLANDS.

GREAT BRITAIN AND NETHERLANDS.

LIST OF TREATIES, &c.

No.				Page
297	1814—1871.	Notes	On Possessions formerly held by the Netherlands in Africa.....	976
—	13 Aug., 1814.	Convention & Add. Article.	Cession to Great Britain of the Cape of Good Hope	976
—	5 Mar., 1867.	Convention....	Exchange of Territory on the Gold Coast	977
—	25 Feb., 1871.	Convention....	Transfer to Great Britain of Dutch Possessions on the Coast of Guinea (Gold Coast)	979
—	2 Nov., 1871.	Protocol	Recruitment of Free Labourers from Coast of Guinea for service in Colonies	980
—	13—14 Feb., 1874.	Treaty	Ashantee. Surrender of Supremacy over Elmina, &c. (See British West Africa (Gold Coast).)	
—	26 Feb., 1885.	Berlin Act	See Africa (General).	
—	9 Apr., 1886.	Protocol	Ratification of ditto. (See Africa (General).)	
—	2 July, 1890.	Brussels Act	See Africa (General).	

No. 297.—*NOTES on the Possessions formerly held by the Netherlands in Africa.* 1814—1871.

Cape of Good Hope.

The Cape of Good Hope, which was captured by the British during the French Revolutionary War, was retained by Great Britain at the conclusion of the General Peace of 1814, and was formally ceded by the Netherlands to Great Britain by the Convention of 13th August, 1814, from which the following is an extract* :—

Preamble.

" The United Provinces of the Netherlands, under the favour of Divine Providence, having been restored to their independence, and having been placed by the loyalty of the Dutch people and the achievements of the Allied Powers under the government of the Illustrious House of Orange ; and His Britannick Majesty being desirous of entering into such arrangements with the Prince Sovereign of the United Netherlands concerning the Colonies of the said United Netherlands which have been conquered by His Majesty's arms during the late war, as may conduce to the prosperity of the said State, and may afford a lasting testimony of His Majesty's friendship and attachment to the family of Orange and to the Dutch nation ; the said High Contracting Parties, equally animated by those sentiments of cordial goodwill and attachment to each other, have nominated for their Plenipotentiaries, namely :

[Here follow the names and Titles of the Plenipotentiaries.]

Cape of Good Hope, &c.

" **Art. I.**—His Britannick Majesty engages to restore to the Prince Sovereign of the United Netherlands, within the term which shall be hereafter fixed, the Colonies, factories, and establishments, which were possessed by Holland at the commencement of the late war, viz., on the 1st January, 1803, in the seas and on the continents of America, Africa, and Asia, *with the exception of the Cape of Good Hope* and the Settlements of Demerara, Essequibo, and Berbice, of which Possessions the High Contracting Parties reserve to themselves the right to dispose by a Supplementary Convention, hereafter to be negotiated according to their mutual interests ; and especially with reference to the provisions contained in Articles VI and IX of the Treaty of Peace signed between His Britannick Majesty and His Most Christian Majesty, on the 30th of May, 1814."†

In an Additional Article to this Treaty, relating to the cession to Great Britain of the Cape of Good Hope, it was agreed as follows :—

" In order the better to provide for the defence and incorporation

* " Map of Europe by Treaty," vol. i, pp. 42 and 46.
† See " Map of Europe by Treaty," vol. i, pp. 8 and 9.

of the Belgick Provinces with Holland, and also to provide, in conformity to Article IX of the Treaty of Paris,* a suitable compensation for the rights ceded by His Swedish Majesty under the said Article, which compensation, it is understood, in the event of the above reunion, Holland should be liable to furnish in pursuance of the above stipulations; it is hereby agreed between the High Contracting Parties, that His Britannick Majesty shall take upon himself, and engage to defray the following charges:—

"1. The payment of 1,000,000*l.* sterling to Sweden, in satisfaction of the claims aforesaid, and in pursuance of a Convention this day executed with His Swedish Majesty's Plenipotentiary to that effect, a copy of which Convention is annexed to these Additional Articles.†

"2. The advance of 2,000,000*l.* sterling, to be applied, in concert with the Prince Sovereign of the Netherlands, and in aid of an equal sum, to be furnished by him, towards augmenting and improving the defences of the Low Countries.

"3. To bear, equally with Holland, such further charges as may be agreed upon between the said High Contracting Parties and their Allies, towards the final and satisfactory settlement of the Low Countries, in union with Holland, and under the dominion of the House of Orange, not exceeding in the whole the sum of 3,000,000*l.* to be defrayed by Great Britain.

Cession to Great Britain of the Cape of Good Hope, &c.

"In consideration and in satisfaction of the above engagements, as taken by His Britannick Majesty, the Prince Sovereign of the Netherlands agrees to cede in full sovereignty to His Britannick Majesty, the Cape of Good Hope, and the settlements of Demerary, Essequibo, and Berbice, upon the condition, nevertheless, that the subjects of the said Sovereign Prince, being proprietors in the said Colonies or settlements, shall be at liberty (under such regulations as may hereafter be agreed upon in a Supplementary Convention) to carry on trade between the said settlements and the territories in Europe of the said Sovereign Prince.

"It is also agreed between the two High Contracting Parties, that the ships of every kind belonging to Holland, shall have permission to resort freely to the Cape of Good Hope, for the purposes of refreshment and repairs, without being liable to other charges than such as British subjects are required to pay."

Interchange between British and Dutch Possessions on the Gold Coast.

The Dutch formerly possessed certain territories, also, on the Gold Coast, but, on the 5th March, 1867, a Convention was concluded between Great Britain and the Netherlands for an interchange of their

* On the 19th May, 1815, a Convention was concluded between Great Britain, the Netherlands, and Russia, relative to the Russian Dutch Loan, &c., which formed part of the arrangements made consequent upon the Union of the Belgick Provinces with Holland. H.T., vol. iv, p. 371.

† H.T., vol. ii, p. 365

respective territories on that coast, and the following are extracts from that Convention* :—

Preamble.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, being of opinion that an interchange of territory on the West Coast of Africa would conduce to their mutual advantage, and would promote the interests of the inhabitants, have resolved to conclude a Convention for that purpose, and have therefore named as their Plenipotentiaries, that is to say :—

[Here follow the names of the Plenipotentiaries.]

Mutual Exchange of Forts and Possessions on the Gold Coast.

Art. I.†—Her Britannic Majesty cedes to His Majesty the King of the Netherlands all British Forts, Possessions, and Rights of Sovereignty or Jurisdiction which she possesses on the Gold Coast to the westward of the mouth of the Sweet River, where their respective Territories are conterminous ; and His Majesty the King of the Netherlands cedes to Her Britannic Majesty all Netherland Forts, Possessions, and Rights of Sovereignty or Jurisdiction which he possesses on the Gold Coast to the eastward of the mouth of the Sweet River, where their respective Territories are conterminous.

Boundary Line.

The Boundary between the Possessions of Her Britannic Majesty and those of His Majesty the King of the Netherlands will be a line drawn true north from the centre of the mouth of the Sweet River as far as the boundary of the present Ashantee kingdom, but with such deviations within 3 English miles of the coast, as shall be necessary to retain within British Territory any villages which have been in habitual dependence on the British Government at Cape Coast, and within Netherland Territory any villages which have been in habitual dependence on the Netherland Government of St. George d'Elmina.

Art. II.—*Customs Tariff.*

Art. III.—*Prevention of Frauds.*

Art. IV.—*Duration of Customs Tariff.*

Art. V.—*Relaxation of Customs Duties.*

Art. VI.—*Transfer of Forts, Possessions, &c., dependent on Establishment of proposed Tariff.*

New Boundary Map.

Art. VII.—After the transfer alluded to in the foregoing Article shall have been made, a Map shall be drawn of the New Boundary

* H.T., vol. xii, p. 1194. Signed in the English and Dutch languages. For Dutch Version, see S.P., vol. lvii, p. 36. See also Convention of 25th February, 1871, p. 979.

† An Outline Map, showing the British Territory on the Gold Coast, to accompany the Report of Colonel Ord, R.E., Commissioner, was laid before Parliament with Papers relating to the West Coast of Africa, in 1865.

division according to the terms of Article I. Two copies of the said Map, duly attested by the Governments on either side, shall then be appended to this Convention for the purpose of showing the Boundary, which shall undergo no alteration, even should any of the villages mentioned at the end of Article I be subsequently abandoned, or the Tariff be modified or withdrawn.*

Art. VIII.—*Ratifications.*†

Transfer to Great Britain of Netherland Possessions on the Gold Coast.

On the 25th February, 1871, a Convention was signed between Great Britain and the Netherlands for the transfer by the latter to the former of the Dutch Possessions on the Coast of Guinea or (Gold Coast), and the following are extracts from that Convention ‡:—

Preamble.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, being desirous to proceed with the regulation of the respective interests in their Colonies in the friendly spirit which has constantly marked the relations between both Kingdoms, and taking into consideration that the mixed dominion exercised on the Coast of Guinea by Great Britain and the Netherlands has occasioned to the native population much harm, which did not cease after the interchange of territory stipulated by the Treaty of 5th March, 1867,§ and the remedy for which is not to be expected until the two Powers shall carry out, with regard to their respective Possessions, the principle of abstaining from or giving up mixed dominion or mixed possession, have with a view of concluding arrangements for that purpose, named as their Plenipotentiaries, that is to say :—

[Here follow the names of the Plenipotentiaries.]

Transfer to Great Britain of Netherland Rights, Sovereignty, &c., on Coast of Guinea.

Art. I.||—His Majesty the King of the Netherlands transfers to Her Majesty the Queen of the United Kingdom of Great Britain and Ireland all the Rights of Sovereignty, Jurisdiction, and Property which he possesses on the Coast of Guinea.

* The Boundary Commissioners were : for Great Britain, Mr. Fredk. M. Skues, Assistant Staff Surgeon ; and for the Netherlands, Lieut. C. A. Jeckel, of the Netherlands Navy. A chart of the Boundary Line was prepared by them in February, 1868, and a Report upon the subject addressed to the Governors of the English and Dutch Settlements on the West Coast of Africa, by whom the chart was duly attested.

† Ratifications exchanged at London, 5th July, 1867.

‡ H.T., vol. xiii, p. 656. Signed in the English and Dutch languages. For Dutch version, see S.P., vol. 61, p. 13.

§ Page 977.

|| A map showing the position of the Dutch Settlements on the West Coast of Africa was laid before Parliament, with correspondence on the subject, in February, 1872 [C. 670].

Acceptance by Great Britain of Netherland Rights of Sovereignty.

Art. II.—Her Majesty the Queen of the United Kingdom of Great Britain and Ireland accepts those Rights, and the obligations resulting from them towards the Populations hitherto placed under the authority of the King of the Netherlands.

Security to Persons formerly Hostile to Tribes dependent on Great Britain.

The British authorities will take care, as far as possible, that no Person belonging to these Populations, who may, during the dominion of the Netherlands, have participated in quarrels or hostilities with Independent Tribes or Tribes dependent on Great Britain, shall be annoyed or troubled on that account.

Permission to Netherland Subjects to Remove from Possessions ceded.

Any person who, within a period of six years after the actual Transfer of the aforesaid Possessions, may wish to remove to other Netherland Possessions or to foreign places, shall be considered at liberty to do so by the British authorities.

Forts, Buildings, &c., comprised in Transfer.

Art. III.—In the transfer are comprised all the Forts, Buildings, and Premises, with the Grounds appertaining thereto, owned by the Netherland Government, as also all the Stores of Ordnance, Weapons, Ammunition, and the like, besides Furniture and all other moveable Objects, with the exception of those articles which the Netherland authorities at the Court may deem unfit for transfer.

Stores and Moveable Articles to be paid for.

Art. IV.—*Permission to Africans to continue to dwell by themselves.*

Art. V.—*Netherland Subjects to be treated as British Subjects.*

Netherland Subjects, Vessels, and Commerce to be on equal Footing with British Subjects, Vessels, and Commerce.

Art. VI.—*Ratifications.**

Recruitment of Free Labourers for Service in Colonies.

On the 2nd November, 1871, a Protocol was signed between the British and Netherland Governments, in which it was stipulated that—"If at any time the British Government should allow the recruitment of free labourers in British Possessions on the Coast of Guinea and their exportation to British Colonies, such recruitment and exportation from those British Possessions shall also, on the same conditions, be secured to the Netherlands in behalf of the Netherland Colonies," which stipulation was declared to be considered as having the same force and value as the Convention of 25th February, 1871.

The King of the Netherlands was a Signatory Party to the Berlin Act of 26th February, 1885 (**No. 128**), as well as to the Brussels Act of 2nd July, 1890 (**No. 130**).

* Ratifications exchanged at the Hague, 17th February, 1872.

GREAT BRITAIN AND PORTUGAL.

GREAT BRITAIN AND PORTUGAL.

LIST OF TREATIES, &c,

No.				Page
298	28 July, 1817.	Add. Convention.	Portuguese limits on East and West Coasts of Africa	985
299	13 Jan., 1869.	Protocol	Dispute respecting Sovereignty over Island of Bulama to be referred to Arbitration	985
—	29 July, 1869.	Treaty	Portugal and South African Republic. Boundary. (See British South Africa (Transvaal).)	
300	21 Apr., 1870.	Award	President of the United States. Sovereignty over Island of Bulama	988
301	1 Oct., 1870.	Notification	Portuguese Occupation of Island of Bulama	990
302	25 Sept., 1872.	Protocol	Dispute respecting Delagoa Bay (Lorenzo Marquez) to be referred to Arbitration	991
303	Sept., 1873.	British Case	Conflicting Claims to Delagoa Bay or Lorenzo Marquez	991
304	June, 1875.	Exchange of Notes.	Do. Non-cession of Territory to whichever Power awarded	993
305	24 July, 1875.	Award	Decision of President of the French Republic on the Delagoa Bay Arbitration Case	996
—	1 Dec., 1875.	Treaty	Portugal and South African Republic. (See British South Africa (Transvaal).)	
306	7 Oct., 1882.	Protocol	Ratification of Convention between Portugal and the South African Republic of 11th December, 1875 (with Explanatory Notes)	998
307	26 Feb., 1884.	Treaty	Portuguese Boundary on West Coast of Africa. Navigation of the Rivers Congo and Zambesi	1004
—	13 Aug., 1887.	Protest	British. Against Portuguese claim to Territories lying between Angola and Mozambique, p. 705. (See Treaty, France and Portugal, 12th May, 1886, p. 673, and Treaty, Germany and Portugal, 30th December, 1886, p. 703.)	
308	20 Aug., 1890.	Convention	Spheres of Influence. Navigation of the Zambesi and Shiré, &c. (not ratified, but see Agreement of 14th November, 1890)	1006
309	14 Nov., 1890.	Agreement	Modus vivendi. Spheres of Influence. Navigation of the Zambesi and Shiré, &c.	1014
310	11 June, 1891.	Treaty	Spheres of Influence. East and Central Africa	1016
—	7 May, 1892.	Lease	Land at Chinde to British Government (See also Agreement of $\frac{\text{Sept.,}}{\text{Dec.,}}$ 1898.)	1026
—	7 May, 1892.	Lease	Land at Leopard Bay, Lake Nyassa, to Portuguese Government. (See also Agreement of 12th January, 1901.)	1026
311	May—June, 1893.	Agreement	"Modus vivendi." Spheres of Influence north of the Zambesi	1027

[List of Treaties, &c.]

No.				Page
312	7 Jan., 1895.	Declaration	Submission to Arbitration. Manica Boundary Question	1030
313	24 Sept., / 5 Oct., 1895.	Exchange of Notes.	Frontiers of Possessions in neighbourhood of Tongaland	1033
314	20 Jan., 1896.	Agreement	Prolonging "Modus Vivendi" of 1893. Spheres of Influence north of the Zambesi	1034
315	30 Jan., 1897.	Award	Arbitration. Delimitation of British and Portuguese Spheres in East Africa (Manica)	1036
316	2 Oct., 1897.	Description	Anglo-Portuguese Frontier. British Amatongaland and Portuguese East Africa	1066
317	28 June, / 6 Dec., 1898.	Procès-Verbaux.	Commissioners for delimitation of Boundary in the Barué district, East Africa	1069
—	12 Sept., / 27 Dec., 1898.	Agreement	Extension of British Concession at Chinde	1026
318	June, / Dec., 1898.	Procès-Verbaux.	Commissioners for delimitation of Manica Boundary, East Africa	1069
319	29 Dec., 1898. / 25 Jan., 1899.	Exchange of Notes.	Frontier between Possessions in Amatongaland. Acceptance of Work of Commissioners	1070
320	July–Nov., 1899. / 8 Dec., 1900.	Agreement	Boundary Commissioners. British Central Africa (Nyasaland) and Portuguese Territory	1070
321	12 Jan., 1901.	Agreement	Concession to Portugal. Land on Lake Nyasa in lieu of that leased on the 7th May, 1892	1071
322	4 Mar., / 28 Apr., 1902.	Exchange of Notes.	Barué Boundary. Mount Karera to River Mazoe	1071
323	12 Aug., 1903.	Declaration	Submission of Barotse Boundary Question to Arbitration	1072
324	18 Jan., / 12 Apr., 1904.	Exchange of Notes.	Barué Boundary. 18° 30′ South latitude to Mount Karera	1073
325	21 Dec., 1903. / 19 July, 1904.	Exchange of Notes.	Boundary in East Africa. Junction of Sabi and Lundi Rivers to the Limpopo	1073
326	30 May, 1905.	Award	Arbitration. Western Boundary of Barotse Kingdom	1074
327	21 Nov., 1904. / 24 Oct., 1905.	Protocols	Commissioners for delimitation of Boundary north and south of the Zambesi	1077
328	15 Sept., 1906.	Exchange of Notes.	Provisional acceptance of Boundary. British Central Africa (Nyasaland) and Portuguese East Africa	1077
329	3 June, 1907.	Exchange of Notes.	Adoption of Boundary in East Africa. 18° 30′ South latitude to the Limpopo	1078

No. 298.—*ADDITIONAL CONVENTION to the Treaty between Great Britain and Portugal, of 22nd January, 1815, for the prevention of the Slave Trade. Portuguese Limits on East and West Coasts of Africa. London, 28th July, 1817.**

(English Version.)

Art. II.—The territories in which the traffic in slaves continues to be permitted under the Treaty of the 22nd January, 1815, to the subjects of His Most Faithful Majesty, are the following :—

Portuguese Possessions. Cape Delgado to Bay of Lorenço Marques.

§ 1. The territories possessed by the Crown of Portugal upon the coast of Africa to the south of the Equator ; that is to say, upon the eastern coast of Africa, the territory lying between Cape Delgado and the Bay of Lorenço Marques ; and upon the western coast, all that which is situated from the 8th to the 18th degree of south latitude.

Portuguese Claims. Molembo and Cabinda.

§ 2. Those territories on the coast of Africa to the south of the Equator, over which His Most Faithful Majesty has declared that he has retained his rights, namely—

The territories of Molembo and Cabinda upon the eastern† (*sic*) coast of Africa, from 5° 12′ to 8° south latitude.

No. 299.—*PROTOCOL OF CONFERENCE between Great Britain and Portugal, agreeing to refer to Arbitration their respective Claims to the Island of Bulama, on the Western Coast of Africa, and to a certain portion of Territory opposite to that Island on the Mainland. Lisbon, January* 13, 1869.‡

WHEREAS the Government of His Most Faithful Majesty asserts a claim to the island of Bulama, on the western coast of Africa, and to a certain portion of territory opposite to that island on the mainland ; and whereas the Government of Her Britannic Majesty asserts a claim to the same island and the same territory opposite to it on the mainland ; and whereas both parties, being animated by a friendly feeling, and neither of them having any wish to appropriate territory which may lawfully belong to the other, have consented to refer their respective claims to the arbitration of a third Power in whom both repose confidence.

For this purpose they have agreed to apply to the President of the United States of America, and it now becomes necessary to place on

* S.P., vol. iv, p. 81 ; H.T., vol. ii, p. 85.

† Error. Should be *western*. Corrected by a Declaration signed 3rd April, 1819. H.T., vol. ii, p. 123.

‡ S.P., vol. lxi, p. 1163. H.T., vol. xiii, p. 688. For Award, 21st April, 1870, see p. 988.

record certain terms and arrangements with a view to obtaining the speedy and convenient hearing and determination of the claims in question: and the undersigned the Marquis de Sà da Bandeira, a Peer of the realm, President of the Council of Ministers, Minister and Secretary of State of War, and *ad interim* Minister for Foreign Affairs of His Most Faithful Majesty, and the Honourable Sir Charles A. Murray, Knight Commander of the Bath, &c., and Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of Lisbon, being duly authorized by their respective Governments, have agreed as follows:

Art. I.—The respective claims of His Most Faithful Majesty's Government and of the Government of Her Britannic Majesty to the island of Bulama, on the western coast of Africa, and to a certain portion of territory opposite to that island on the mainland, shall be submitted to the arbitration and award of the President of the United States of America, who shall decide thereupon finally and without appeal.

Art. II.—The award of the President of the United States, whether it be wholly in favour of the claim of either party, or in the nature of an equitable solution of the difficulty, shall be considered as absolutely final and conclusive; and full effect shall be given to such award without any objection, evasion, or delay whatsoever. Such decision shall be given in writing and dated; it shall be in whatsoever form the President may choose to adopt; it shall be delivered to the Ministers or other public agents of Portugal and of Great Britain, who may be actually at Washington, and shall be considered as operative from the day of the date of the delivery thereof.

Art. III.—The written or printed case of each of the two parties, accompanied by the evidence offered in support of the same, shall be laid before the President within six months from the date hereof, and a copy of such case and evidence shall be communicated by each party to the other, through their respective Ministers at Washington. After such communication shall have taken place, each party shall have the power of drawing up and laying before the President a second and definite statement, if it think fit so to do, in reply to the case of the other party so communicated, which definitive statement shall be so laid before the Arbiter, and also be mutually communicated in the same manner as aforesaid by each party to the other within six months from the date of laying the first statement of the case before the Arbiter.

Art. IV.—If in the case submitted to the Arbiter, either party shall specify or allude to any report or document in its own exclusive possession without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof. And if the Arbiter should desire further elucidation or evidence with regard to any point contained in the statements laid before him, he shall be at liberty to require it from either party, and he shall be at liberty to hear one counsel or agent for each party, in relation to any matter which he shall think fit, and at such time, and in such manner, as he may think fit.

Art. V.—The Ministers or other public agents of Portugal and of

Great Britain at Washington respectively shall be considered as the agents of their respective Governments to conduct their case before the Arbiter, who shall be requested to address all his communications and give all his notices to such Ministers or other public agents, whose acts shall bind their Governments to and before the Arbiter on this matter.

Art. VI.—It shall be competent to the Arbiter to proceed in the said arbitration, and all matters relating thereto, as and when he shall see fit, either in person or by a person or persons named by him for that purpose, either with closed doors or in public sitting, either in the presence or absence of either or both agents, and either *viva voce* or by written discussion or otherwise.

Art. VII.—The Arbiter shall, if he think fit, appoint a secretary, registrar, or clerk, for the purposes of the proposed arbitration, at such rate of remuneration as he shall think proper. This and all other expenses of, and connected with, the said arbitration, shall be provided for as hereinafter stipulated.

Art. VIII.—The Arbiter shall be requested to deliver, together with his award, an account of all the costs and expenses which he may have been put to, in relation to this matter, which shall forthwith be repaid in two equal portions, one by each of the two parties.

Art. IX.—The Arbiter shall be requested to give his award in writing as early as convenient after the whole case on each side shall have been laid before him, and to deliver one copy thereof to each of the said agents.

Should the Arbiter be unable to decide wholly in favour of either of the respective claims, he shall be requested to give such a decision as will, in his opinion, furnish an equitable solution of the difficulty.

Should he decline to give any decision, then everything done in the premises by virtue of this Agreement shall be null and void, and it shall be competent for the Portuguese and British Governments to do and proceed in all respects as if the reference to arbitration had never been made.

Done at Lisbon, the 13th of January, 1869.

(L.S.) SÀ DA BANDEIRA.
(L.S.) CH. A. MURRAY.

No. 300.—*AWARD of the President of the United States, as Arbiter on the Claims of Great Britain and of Portugal to the Island of Bulama, on the Western Coast of Africa, and to a certain portion of Territory opposite to that Island, on the Mainland. Washington, 21st April,* 1870.*

Ulysses S. Grant, President of the United States, to whom it shall concern, greeting :

The functions of Arbiter having been conferred upon the President of the United States, by virtue of a Protocol of a Conference held in Lisbon in the Foreign Office, on the 13th day of January, in the year of our Lord 1869 (**No. 299**), between the Minister and Secretary of State for Foreign Affairs of His Most Faithful Majesty the King of Portugal and Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, whereby it was agreed that the respective claims of His Most Faithful Majesty's Government and of the Government of Her Britannic Majesty to the Island of Bulama on the Western Coast of Africa, and to a certain portion of territory opposite to that island, on the mainland, should be submitted to the arbitration and award of the President of the United States of America, who should decide thereupon finally and without appeal ;

And the written or printed case of each of the two parties, accompanied by the evidence afforded in support of the same, having been laid before the Arbiter within six months from the date of the said Protocol, and a copy of such case and evidence having been communicated by each party to the other through their respective Ministers at Washington, and each party, after such communication had taken place, having drawn up and laid before the Arbiter a second and definite statement in reply to the case of the other party so communicated, which said definitive statements were so laid before the Arbiter, and were also mutually communicated, in the same manner as aforesaid, by each party to the other, within six months from the date of laying the first statement before the Arbiter :

And it appearing that neither party desires to apply for any report or document in the exclusive possession of the other party, which has been specified or alluded to in any of the cases submitted to the Arbiter, and that neither party desires to be heard by counsel or agent in relation to any of the matters submitted in this arbitration ;

And a person named by the Arbiter for that purpose, according to the terms of the said Protocol, having carefully considered each of the said written or printed statements so laid before the Arbiter, and the evidence offered in support of each of the same, and each of the said second or definitive statements ;

And it appearing that the said Island of Bulama and the said mainland opposite thereto were discovered by a Portuguese navigator in 1446 ; that long before the year 1792, a Portuguese settlement was made at Bissao, on the River Jeba, which said settlement has ever since

* S.P., vol. lxi, p. 1103. H.T., vol. xiii. p, 958.

been maintained under Portuguese sovereignty; that in the year 1699, or about that time, a Portuguese settlement was made at Guinala, on the Rio Grande, which last-named settlement, in the year 1778, was "a large village, inhabited only by Portuguese, who had been there from father to son for a long time"; that the coast line from Bissao to Guinala, after crossing the River Jeba, includes the whole coast on the mainland opposite to the Island of Bulama; that the Island of Bulama is adjacent to the mainland, and so near it that animals cross at low water; that in 1752 formal claim was made by Portugal to the Island of Bulama, which claim has been ever since asserted; that the island was not inhabited prior to 1792, and was unoccupied, with the exception of a few acres thereof, at the west end, which were used by a native tribe for the purpose of raising vegetables; that the British title is derived from an alleged cession by native chiefs in 1792, at which time the sovereignty of Portugal had been established over the mainland and over the Island of Bulama; that the Portuguese Government has not relinquished its claim, and now occupies the island with a Portuguese settlement of 700 persons; that attempts have been made since 1792 to fortify the British claim by further similar cessions from native chiefs; and that none of the acts done in support of the British title have been acquiesced in by Portugal;

And no further elucidation or evidence with regard to any point contained in the statements so laid before the Arbiter being required:

Now, therefore, I, Ulysses S. Grant, President of the United States, do award and decide, that the claims of the Government of His Most Faithful Majesty the King of Portugal to the Island of Bulama on the western coast of Africa, and to a certain portion of territory opposite to this island on the mainland, are proved and established.

In testimony whereof I have hereunto set my hand, and have caused the seal of the United States to be hereto affixed.

Done in triplicate, in the city of Washington, on the 21st day of April, in the year of our Lord 1870, and of the Independence of the United States of America the 94th.

U. S. GRANT.

By the President,
HAMILTON FISH, *Secretary of State.*

No. 301.—*ACT of the Governor-General of the Cape de Verde Islands, taking possession of the Island of Bulama in the name of the Portuguese Government. Beavers Port, 1st October,* 1870.*

(Translation.)

In the year of our Lord Jesus Christ, 1870, on the 1st day of October, at Beavers Port, in the Island of Bulama, in presence of his Excellency Caetano Alexandre d'Almeida Albuquerque, Governor-General of the Province of Cape Verde Islands and their Dependencies, as Representative of the Portuguese Government, and Mr. J. Craig Loggie, Civil Commandant of the island, as Representative of the British Government, and in the presence of the persons Undersigned, the said Governor-General, in the name of his Government, took possession of this Island of Bulama, without any opposition, protest, or reclamation, that could raise a doubt, and in accordance with the following decision, which was issued by the President of the United States of America, chosen as arbitrator by the two Governments of Portugal and England, to decide upon the rights which both nations thought they had to the possession of the said island and to some territory in front thereof, which decision is as follows :—

[Here follows the Award of 21st April, 1870. **(No. 300.)**]

And in order to certify the possession taken by the said Governor-General of the Cape Verde Islands and their Dependencies as Representative of the Portuguese Government, and which was transferred to him by Mr. J. Craig Loggie, Civil Commandant, the present Act has been drawn up and is to be duly registered after it is signed by the said Representative of the Portuguese Government, Caetano Alexandre de Almeida e Albuquerque, Governor-General of the Cape Verde Province, and by Mr. J. Craig Loggie, Representative of the British Government, and the witnesses who were present. And I, Guilherme Augusto de Brito Capêllo, Second Lieutenant of the Portuguese Navy, acting as Secretary, have written and signed it.

GUILHERME AUGUSTO DE BRITO CAPELLO, *Second Lieutenant, Secretary.*

CAETANO ALEXANDRE DE ALMEIDA E ALBUQUERQUE, *Governor-General.*

ALVARO TELLES CALDEIRA, *Governor of Guinea.*

J. CRAIG LOGGIE.

ALFRED WALTER LEWIS.

* S.P., vol. lxi, p. 1105; H. T., vol. xiii, p. 693.

No. 302.—*PROTOCOL. Great Britain and Portugal. Reference of Delagoa Bay (or Lorenço Marques) Dispute to Arbitration. Lisbon, 25th September*, 1872.

Protocol of a Conference held at the Foreign Office in Lisbon, on the 25th of September, 1872, between Her Britannic Majesty's Chargé d'Affaires at the Court of Lisbon and the Minister and Secretary of State for Foreign Affairs of His Most Faithful Majesty.

Whereas the Government of Her Britannic Majesty asserts a claim to certain territories formerly belonging to the Kings of Tembé and Mapoota, on the eastern coast of Africa, including the Islands of Inyack and Elephant; and whereas the Government of His Most Faithful Majesty asserts a claim to a portion of the same territories, as far as 26° 30′,* and whereas both Parties, being animated by a friendly feeling, and neither of them having any wish to appropriate territory which may lawfully belong to the other, have consented to refer their respective claims to arbitration of a third Power, in whom both repose confidence.

For this purpose, they have agreed to apply to the President of the French Republic; and it now becomes necessary to place on record certain terms and arrangements with a view of obtaining the speedy and convenient hearing and determination of the claims in question; and the Undersigned, William Doria, Her Britannic Majesty's Chargé d'Affaires at the Court of Lisbon, and the Councillor João de Andrade Corvo, Minister and Secretary of State for Foreign Affairs of His Most Faithful Majesty, being duly authorized by their respective Governments, have agreed as follows:—

[Here follow Articles I to IX, respecting the form in which the respective claims should be presented to the Arbitrator, &c.]

No. 303.—*BRITISH CASE. Conflicting Claims of Great Britain and Portugal to Territories formerly belonging to Kings of Tembé and Mapoota, on the East Coast of Africa, including the Islands of Inyack and Elephant. September*, 1873.†

[*Extracts from the Case presented by Her Britannic Majesty's Government, September*, 1873.]

"For several years serious differences have existed between the Governments of Great Britain and Portugal in reference to their respective claims to certain territories on the Eastern Coast of Africa and the adjacent islands.

"By a Protocol signed at Lisbon on the 25th September, 1872 (**No. 302**), the two Governments agreed to submit their respective

* H.T., vol. xiii, p. 708. See Treaty, Portugal and South African Republic, 29th July, 1869, Art. xxiii, § 2. (Portugal, p. 245.)

† Par. Paper, "Portugal, No. 1 (1875)."

claims to the territories and islands in question to the arbitration and award of the President of the French Republic, who should decide thereon finally and without appeal.

"These territories are described by the Protocol as formerly belonging to the Kings of Tembé and Mapoota, on the Eastern Coast of Africa, including the Islands of Inyack and Elephant, and so far as the Portuguese claim is concerned, extend as far as 26° 30′ south latitude.

"The chart which is annexed shows a sufficient outline of the territories respectively claimed, but does not reach quite so far south as 26° 30′; and the part which is coloured pink marks the portion to which the British Government asserts a right, contending that the Portuguese dominion reaches south only *ad medium filum aquæ* of the Dundas or Lorenço Marques River, the English River, and the little Bay of Lorenço Marques, being bounded on the east by the sea, and not extending to the Inyack Peninsula, or to the Inyack and Elephant Islands.

"The chart purports to be a survey of the Bay of Delagoa which, it will be seen, is a large indentation on the east coast of Africa extending between latitudes 25° 30′ south and 26° 21′ south.

"Nearly in the centre of this large bay is a smaller bay lying between Cape Reuben to the north, and Cape Mawhome to the south. The English River, with its confluents the Mattoll, the Lorenço Marques or Dundas, and the Tembé, falls into this smaller bay.

"The Portuguese contend that although Delagoa Bay means the Bay of Bays or the Great Bay, yet that the words Delagoa Bay and Lorenço Marques Bay are convertible terms, and that at all events the smaller bay must be comprehended in the expression, and taken as a part of Delagoa Bay.

"The English Government, on the contrary, maintain that, accurately speaking, the term Lorenço Marques is in no sense applicable to the large bay, but is strictly confined to the smaller bay.

"The Portuguese factory or fort called Lorenço Marques is situated on the left or north bank of the English River, nearly at the point where the river falls into the little or Lorenço Marques Bay.

"The Island of Elephant is nearly opposite the centre of the small bay, and lies about 20 miles to the east of it. South of Elephant is Inyack Island, and again south of Inyack Island is Colatto Point, forming the extremity of the peninsula, which joins the mainland, and rounds the southern extremity of Delagoa Bay, of which the western shore, intersected however by the River Mapoota, is continued north, round Mawhome Point, up to the south or right bank of the English River.

"The territories in dispute, and coloured pink on the chart, were, as the Protocol admits, at some time the property of the Kings of Tembé and Mapoota.*

"The main questions for the consideration of the Arbiter are

* Not given.

whether those Kings have in any way, either by conquest, cession, or otherwise, ceased to be the possessors of these territories, or of any, and what, portion of them. And if the Kings of Tembé and Mapoota, or either of them, be no longer independent, whether the Portuguese or the British Government has acquired a right to the dominion over those lands.

"On the part of the British Government it is contended—

"1. That these several territories, though discovered by the Portuguese, were never, in fact, taken possession of, occupied, or held by the Portuguese, whose dominions to the south were always bounded by the Dundas or Lorenço Marques, and by the English River, and to the east by the sea, and were at no time extended to Elephant and Inyack Islands, or to the Inyack Peninsula.

"2. That the whole country south of the Dundas or Lorenço Marques River and English River, and to seaward, was free and independent: the native inhabitants under their chiefs retaining absolute dominion over, and possession of, these territories, over which the Portuguese exercised no jurisdiction.

"3. That these chiefs, with the consent of the natives, and in exercise of their independent rights, ceded by Treaty, in 1823, the sovereignty over these territories to the Crown of Great Britain.

"The grounds of this contention on the part of Her Majesty's Government will appear from the following statements of facts, official documents, and correspondence, and the arguments fairly deducible therefrom."

[Then followed a general history and explanation of the points on which the contention of the British Government rested; but it has not been thought necessary to give further extracts from the British Case, or any portion of the Portuguese Case.]

No. 304.—*EXCHANGE OF NOTES. Non-cession of Rights of Sovereignty in disputed Territories. June,* 1875.*

(1.) *The British Minister at Lisbon to the Portuguese Minister for Foreign Affairs.*

Cintra, 14th June, 1875.

In accordance with instructions received from Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, relative to those territories situated on the south-east coast of Africa over which Her Britannic Majesty has hitherto exercised rights of sovereignty disputed by the Government of His Most Faithful Majesty, and with reference, more especially, to the decision not yet officially declared of the President of the French Republic, to whose arbitration the two Governments have agreed to refer their adverse claims to the

* S.P., vol. lxx, pp. 338; P.P., "Africa, No. 1 (1875)." See also Convention, 20th August, 1890, p. 1006.

possession of the above-mentioned territories, the Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has now the honour to submit to His Most Faithful Majesty's Minister for Foreign Affairs, for the friendly consideration of His Most Faithful Majesty's Government, a proposal on the part of Her Britannic Majesty's Government that Great Britain and Portugal should enter into a mutual agreement to the effect that, whichever way the award of the Arbitrator may be given, as regards the right of sovereignty over the above-mentioned territories, the Power in whose favour the award is made will not entertain any proposal for the acquisition of the said territory by any other Power, until the defeated claimant shall have had an opportunity of making to the successful claimant a reasonable offer for the acquisition of that territory, either by purchase or for some other consideration.

In inviting the assent of the Portuguese Government to the proposal thus made to it on behalf of the British Government, the Undersigned is anxious to assure His Most Faithful Majesty's Minister for Foreign Affairs, that when the Government of Her Britannic Majesty agreed to refer to the arbitration of the President of the French Republic the Portuguese claims to a territory of which Great Britain had long been in practical possession, the motive of Her Majesty's Government in so doing was a sincere desire to remove from the old and cordial relations between Great Britain and Portugal a long-standing ground of contention as to the sovereignty of a territory so closely neighbouring the Colonial Possessions of the two Powers in Southern Africa. But the possession of that territory by any third Power, to whom the surrender of it was not contemplated by the British Government when the British Government agreed to submit to arbitration the disputed title on which it had hitherto claimed and held the territory in question, would scarcely be calculated to inspire on the part of Her Majesty's Government those sentiments of confidence and security with which they are fully prepared to accept the award of the Arbitrator, if that award be favourable to the claims of Portugal.

The Undersigned therefore trusts that, in the same friendly spirit which, in regard to this and all other questions affecting their several interests, has so long and so happily animated the relations between Great Britain and Portugal, the Government of His Most Faithful Majesty will be readily disposed to entertain the proposal hereby submitted to them by the Undersigned, who avails himself of the present opportunity to renew &c.

LYTTON.

Senhor Corvo.

(2.) *The Portuguese Minister for Foreign Affairs to Lord Lytton.*

Foreign Department,

(Translation.) *Lisbon, 17th June,* 1875.

The Undersigned, His Most Faithful Majesty's Minister and Secretary of State for Foreign Affairs, had the honour to receive the

note which was addressed to him on the 14th instant by Lord Lytton, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, relative to the territories situated on the east coast of Africa, the possession of which was disputed by the two Governments of Portugal and of Great Britain, a dispute which was, by mutual assent, referred to the arbitration of the President of the French Republic.

While expressing the apprehensions of his Governments as to the eventuality of the territories in question being ceded to a third Power, Lord Lytton remarks that, when the British Government agreed to refer to the arbitration of the President of the French Republic the question which had for so many years been pending between the said Government and that of Portugal, they were animated by the sincere desire of removing from the old and cordial relations between Portugal and England a ground of contention as to the right of sovereignty over a territory which was in the immediate neighbourhood of the Colonial Possessions of the two countries; and he adds that the possession of that territory by any third Power could hardly inspire in Her Britannic Majesty's Government those sentiments of confidence and security with which they are prepared to accept the award of the Arbitrator in favour of Portugal.

In thanking Lord Lytton for the assurances which his Excellency gives him in his note as to the sentiments of cordiality and confidence entertained by Her Britannic Majesty's Government, which sentiments are sincerely reciprocated by His Most Faithful Majesty's Government, the Undersigned has the greatest pleasure in giving his Excellency the fullest assurance as to the determination of the Portuguese Government of not ceding to any third Power the territory, the possession of which may be secured for it in virtue of the arbitration of Marshal McMahon, and of observing, both on this and on all other occasions, a perfect loyalty towards the British Government, in whose friendship and loyalty the Government of His Most Faithful Majesty entirely confides.

The Undersigned, &c.,

JOÃO DE ANDRADE CORVO.

Lord Lytton.

(3.) *Lord Lytton to Senhor Corvo.*

Cintra, 24th June, 1875.

In acknowledging the receipt of the obliging reply which the Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has had the honour to receive, under date of the 17th instant, from his Most Faithful Majesty's Minister for Foreign Affairs to the note addressed by the Undersigned, on the 14th instant, to his Excellency, inviting the Portuguese Government to enter into an Agreement with the Government of Her Britannic Majesty not to cede or sell to any third Power the territories on the south-east coast of Africa awarded to Portugal by the decision of the President of the French Republic, to whose arbitration the adverse claims of the

two Governments to the territories in question were by mutual consent submitted, without having previously given to Her Britannic Majesty's Government the opportunity of making a reasonable offer for the purchase or acquisition, by other arrangements satisfactory to Portugal, of the territory thus awarded, the Undersigned has much pleasure in expressing to His Most Faithful Majesty's Minister for Foreign Affairs the great satisfaction with which the assurance contained in his Excellency's above-mentioned note of the 17th instant has been received by Her Britannic Majesty's Government.

Requesting His Most Faithful Majesty's Minister for Foreign Affairs to accept his own thanks and those of Her Britannic Majesty's Government for this prompt and satisfactory answer to his communication of the 14th instant, the Undersigned avails himself, &c.

LYTTON.

Senhor Corvo.

No. 305.—*DECISION of the President of the French Republic, on the Dispute between Great Britain and Portugal respecting the Possession of certain Territories and Islands in the Bay of Delagoa or Lorenço Marques. Versailles, 24th July,* 1875.

(Translation.)

We, Marie Edme Patrice Maurice de MacMahon, Duke of Magenta, Marshal of France, President of the French Republic, ruling by virtue of the powers which have been conferred on the President of the French Republic in the terms of the Protocol signed at Lisbon, 15th September, 1872 (**No. 302**), by which the Government of Her Majesty the Queen of Great Britain and Ireland and that of His Majesty the King of Portugal have agreed to leave to the President of the French Republic to be decided by him positively and without appeal, the dispute which has been pending between them since the year 1823, on the subject of the possession of the territories of Tembe and Maputo, and of the Inyack and the Elephants Islands, situated in the Bay of Delagoa or Lorenzo Marquez on the East Coast of Africa :

Considering the Cases submitted to the Arbitrator by the Representatives of the two Parties on the 15th September, 1873 ; and the Counter-Cases likewise submitted by them on the 14th and 15th September, 1874 :

Considering the letters from his Excellency the English Ambassador and from the Portuguese Minister at Paris, dated 8th February, 1875 :

The Commission appointed on the 10th March, 1873, for the purpose of examining the documents and papers respectively produced, having acquainted us with the result of its examination :

Whereas the litigation, so far as its object has been determined by the Cases submitted to the Arbitrator, and lastly, by the letters above referred to from the Representatives at Paris of the two Parties, bears on the right to the following territories, viz. :—

1. The territory of Tembe, bounded on the north by the River

Espirito Santo, or English River, and by the River Lorenzo Marquez, or Dundas; on the west, by the Lebombo Mountains; on the south and on the east, by the River Maputo, and from the mouth of this river up to that of the Espirito Santo by the shore of the Bay of Delagoa, or Lorenzo Marquez.

2. The territory of Maputo, in which are comprised the peninsula and island of Inyack, as well as the Elephants Island, and which is bounded on the north by the shore of the bay; on the west by the River Maputo, from its mouth up to parallel 26° 30′ of south latitude; on the south by this same parallel; and on the east by the sea:

Whereas the Bay of Delagoa, or Lorenzo Marquez, was discovered in the 16th century by Portuguese navigators; and whereas up to the 17th and 18th, Portugal has occupied various points on the north coast of this bay, and on the island of Inyack, of which the Isle of Elephants is a Dependency:

Whereas, since the discovery, Portugal has at all times claimed rights of sovereignty over the whole of the bay and riverain territories, as well as the exclusive right of trading in it; whereas, moreover, she has sustained this claim by force of arms against the Dutch, about 1732, and against the Austrians, in 1781:

Whereas the actions by which Portugal has sustained its pretensions have not raised any remonstrance on the part of the Government of the United Provinces, and whereas, in 1782, these pretensions have been tacitly accepted by Austria, after diplomatic explanations exchanged between this Power and Portugal:

Whereas in 1817 England herself did not contest the right of Portugal, when she concluded with the Government of His Most Faithful Majesty the Convention of 28th July (**No. 298**), for the suppression of the Slave Trade; whereas, moreover, the second Article of this Convention should be interpreted in this sense that it designates as forming part of the possession of the Crown of Portugal the whole of the bay to which is applied without distinction one or other of the denominations Delagoa or Lorenzo Marquez:

Whereas, in 1822, the Government of His Britannic Majesty, when charging Captain Owen with the hydrographical survey of the Bay of Delagoa, and of the rivers which have their mouth there, had recommended him to the good offices of the Portuguese Government:

Whereas, if the accidental weakness of the Portuguese authority in these parts was able, in 1823, to lead Captain Owen into error, and cause him to consider in good faith, as actually independent of the Crown of Portugal, the native chiefs of the territories now in dispute, the acts concluded by him with these Chiefs were none the less in violation of the rights of Portugal:

Whereas, almost immediately after the departure of the English ships, the Native Chiefs of Tembe and Maputo recognized afresh their dependence in the presence of the Portuguese authorities, thus testifying themselves that they had not had the power of contracting:

Whereas the Conventions signed by Captain Owen and the Native Chiefs of Tembe and Maputo, even if they had then been exchanged

between parties capable of contracting, would now be void, the Act relating to Tembe stipulating essential conditions which have not been carried out, and the Acts concerning Maputo, concluded for fixed periods of time, have never been renewed after the expiration of these delays :

Therefore we have judged and decided that the claims of the Government of His Most Faithful Majesty to the territories of Tembe and Maputo, to the Peninsula of Inyack, and to the Isles of Inyack and the Elephants, are duly proved and established.

Versailles, 24th July, 1875.

M[al]. DE MACMAHON,
Duke of Magenta.

No. 306.—*PROTOCOL. Great Britain and Portugal. British Ratification of the Convention between Portugal and the South African Republic (Transvaal) of 11th December*, 1875. *Exchange of Ratifications. 7th October*, 1882.

THE Undersigned met together at the Department of Foreign Affairs of Portugal for the purpose of proceeding to the exchange of the ratifications by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, as Suzerain of the Transvaal State, and by His Majesty the King of Portugal and of the Algarves, of the Treaty and Protocol concluded and signed between Portugal and the South African Republic, now the Transvaal State, on the 11th December, 1875 (**No. 30**).*

The two Plenipotentiaries, after having shown to each other their respective full powers, authorizing them to carry out the act in question, with the declarations contained in the notes dated the 26th and 31st of last May, which they mutually communicated to each other, and which are annexed to this Protocol, read over the original instruments of the said ratifications, and having found them correct and in due and proper form, the exchange of the same was effected.

In witness whereof the Undersigned have drawn up this Protocol, and have affixed thereto their respective seals.

Done in duplicate at Lisbon on the 7th day of October, 1882.

(L.S.) WALTER BARING.
(L.S.) A. DE SERPA PIMENTEL.

(ANNEX I.)—EXPLANATORY NOTES.

Sir C. Wyke to Senhor Serpa.

British Legation, Lisbon, 26th May, 1882.

M. le Ministere,

WITH reference to your Excellency's note to Mr. Saurin of the 21st January last, I have now the honour, in compliance with instruc-

* See Convention between British and Transvaal Governments, 3rd August, 1881 (see BRITISH SOUTH AFRICA (TRANSVAAL), p. 223).

tions received from Earl Granville, to deliver to you a copy of a despatch addressed to me by his Lordship, dated the 12th instant, embodying the views of Her Majesty's Government with respect to the unratified Treaty between the Portuguese Government and the Transvaal, of the 11th December, 1875.

Exemption from Duties of the Produce of the Transvaal and of the Portuguese Possessions in Mozambique.

I beg leave to call your Excellency's attention to the reference made in the above-mentioned despatch to Article III of the said Treaty, exempting from duties the products of the Transvaal and of the Portuguese Possessions in Mozambique.

Jurisdiction and Duties of the Portuguese Consuls in the Transvaal,

and to the provision of Article XXV of the Convention of the 3rd August, 1881, as well as to Articles XVI to XX in the Treaty of the 11th December, 1875, respecting the jurisdiction and duties of Portuguese Consuls in the Transvaal.

Railway from Portuguese Frontier to the Transvaal and Swaziland.

Another point in this despatch to which I should advert is the stipulation in the Protocol attached to the last-named Treaty for the continuation of the railway from the Portuguese frontier to the Transvaal, passing through Swaziland, the independence of which was recognized by the Convention of the 3rd August, 1881, as it had already been by Her Majesty's Government during the British occupation of the Transvaal. Your Excellency will observe, by the statement contained in Lord Granville's despatch, that Her Majesty's Government will be willing to use their influence to facilitate such agreement with the Swazis as may be requisite to enable the line of railway to be continued through Swaziland to the frontier of the Transvaal State.

In conclusion, I have the honour to inform your Excellency that I am authorized by Her Majesty's Government, as you will perceive from Lord Granville's despatch, to exchange the ratifications of the Treaty in question (1875) under the conditions set forth in that despatch, which conditions might be recorded by an exchange of notes, to be referred to in a Protocol annexed to the said Treaty.

If your Excellency should concur in the course thus proposed, I would request you to be so good as to favour me with your reply, as well as with a draft copy of the Protocol, embodying the conditions referred to in the notes thus exchanged, for my own consideration of the matter and subsequent transmission to Her Majesty's Government for their approval.

I avail, &c.,
C. L. WYKE.

(Inclosure in Annex I.)

Earl Granville to Sir C. Wyke.

Sir, *Foreign Office, 12th May,* 1882.

I HAVE communicated to Her Majesty's Secretary of State for the Colonies Mr. Saurin's despatch of the 21st January last, inclosing a copy and translation of a note addressed to him by M. Serpa on the same day, referring to the unratified Treaty between the Portuguese Government and the Transvaal of the 11th December, 1875,* and at the same time expressing the readiness of Portugal to forward the construction of the railway from Lourenço Marques to the frontier, in conformity with the stipulations of that Treaty. M. Serpa in his note requests that Her Majesty's Government should accordingly communicate the views therein contained to the Government of the Transvaal, through the British Resident in that State, and that Her Majesty's Legation at Lisbon should be furnished with the necessary powers of ratification on the part of the Transvaal Government.

Exemption from Duties of the Produce of the Transvaal and of the Portuguese Possessions in Mozambique.

With reference to Article III of the Treaty, the Earl of Kimberley observes that it reciprocally exempts from duties the products of the Transvaal and the Portuguese Possessions in Mozambique, and as, under Article XXV of the Convention of the 3rd August, 1881,† British produce imported into the Transvaal is entitled to the treatment of the most favoured nation, it would follow that British produce would be entitled to the same privilege of exemption as the produce of Mozambique. Her Majesty's Government, however, have no intention of claiming the benefit of that stipulation, and they consider that it should be retained in the Treaty, looking to the difficulty of collecting duties on the extended land frontiers of the Portuguese Possessions and the Transvaal.

Jurisdiction and Duties of Portuguese Consuls in the Transvaal.

Articles XVI and XX, relating to the Consuls, appear to contain nothing which conflicts with the Convention of the 3rd August, 1881,† so far as concerns Portuguese Consuls in the Transvaal, except that Article XIX assigns certain quasi-diplomatic duties to the Consuls; but as Her Majesty's Consular Officers will act on behalf of the Transvaal State abroad, the stipulation relating to the appointment of Consuls by the South African Republic, now the Transvaal State, can no longer have any application.

The exequatur to Portuguese or to any other foreign Consuls in the Transvaal will, of course, be granted by Her Majesty's Government.

* See BRITISH SOUTH AFRICA (TRANSVAAL), p. 246. Ratifications exchanged between Great Britain and Portugal, 7th Oct., 1882, p. 998.

† See BRITISH SOUTH AFRICA (TRANSVAAL), p. 223.

Railway from Portuguese Frontier to the Transvaal across Swaziland.

As regards the stipulation in the Protocol attached to the Treaty, by which the Government of the South African Republic bound itself to continue the line of railway from the Portuguese frontier, I have to observe that a portion of the line of railway, after quitting the Portuguese territory, would pass through Swaziland, the independence of which is recognized by the Convention of the 3rd August, 1881,* as it had previously been by Her Majesty's Government during the British occupation of the Transvaal.

It would be proper that you should point this out to the Portuguese Government, giving them at the same time the assurance that, in case of steps being taken to construct the railway, Her Majesty's Government will use their influence to facilitate such agreements with the Swazis as may be requisite to enable the line to be continued through Swaziland to the frontier of the Transvaal State.

I have now to instruct you to deliver a copy of this despatch to the Portuguese Minister for Foreign Affairs, and to inform his Excellency that you are authorized by Her Majesty's Government to exchange the ratifications of the Treaty under the conditions above explained, which might be recorded by an exchange of notes, to be referred to in a Protocol annexed to the Treaty.

If this course should be concurred in by His Excellency, you will transmit to me a copy of the proposed notes and Protocol referring thereto for the approval of Her Majesty's Government.

I am, &c.,
GRANVILLE.

(Annex 2.)

Senhor Serpa to Sir Charles Wyke.

(Translation.) *Lisbon, 31st May,* 1882.

Your Excellency,

His Majesty's Government have taken into due consideration the note which your Excellency did me the honour to address to me on the 26th instant, as well as the despatch addressed to your Excellency by Earl Granville, with reference to the exchange of the ratifications of the Treaty between Portugal and the Transvaal of the 11th December, 1875, and of which a copy was forwarded to me by your Excellency.

I am informed by your Excellency that you are authorized to proceed to the exchange of the ratifications of that Treaty under the conditions and with the declarations contained in that despatch, namely :—

Exemption from Duties of the Produce of the Transvaal and of the Portuguese Possessions in Mozambique.

1. That inasmuch as Article III of the Treaty provides for the mutual exemption from import duties on the products of the Transvaal

* See British South Africa (Transvaal), p. 223.

and of the Portuguese Possessions in Mozambique, and inasmuch as British products are entitled, in virtue of Article XXV of the Convention of the 3rd August, 1881,* to enjoy the treatment accorded to the products of the most favoured nation, they are also entitled to enjoy the exemption stipulated in favour of the products of Mozambique. That, nevertheless, Her Britannic Majesty's Government do not intend to claim the benefit of the stipulation in question, and they consider that it ought to be retained in the Treaty in view of the difficulty of collecting customs duties along the extensive land frontier which separates the Transvaal from the Portuguese Possessions.

Jurisdiction and Duties of Portuguese Consuls in the Transvaal.

2. That Articles XVI to XX of the Treaty of the 11th December, 1875,† which relate to Consular Agents, do not contain any provisions that are contradictory to the Convention of the 3rd August, 1881, as far as regards the Portuguese Consular Agents, with the exception of Article XIX, which confers almost diplomatic functions upon the Consuls; but as Her Britannic Majesty's Consular Agents will represent the Transvaal in foreign countries, the stipulation concerning the appointment of Consuls on the part of the South African Republic is not applicable, and the exequatur to the Portuguese Consular Agents, or to those of any other foreign nation, will of course be accorded by Her Britannic Majesty's Government.

Railway from Portuguese Frontier to the Transvaal, across Swaziland.

3. That by the Convention of the 3rd August, 1881, the independence of Swaziland was recognized, through which territory the line of railway must run which the Transvaal bound itself to construct from the Portuguese frontier to some centre in the interior, in accordance with the stipulations set forth in the Protocol annexed to the said Treaty; but that, in the event of steps being taken for carrying into effect the construction of that line of railway, Her Britannic Majesty's Government will use their influence in order to get the Swazis to accede to any agreements which may be rendered necessary for the purpose of the said line of railway crossing the territory of Swaziland.

His Majesty's Government, on their part, have no objection that these declarations should be embodied in the notes exchanged between the two Governments, and to which reference is to be made in the Protocol which will remain annexed to the Treaty of the 11th December 1875.†

Exemption from payment of Import Duties of the Produce of the Transvaal of the Portuguese Possessions in Mozambique.

His Majesty's Government fully agree with the Government of Her Britannic Majesty as to the expediency of retaining the stipulation set forth in Article III of the Treaty, which exempts from the payment

* See British South Africa (Transvaal), p. 223.
† See British South Africa (Transvaal), p. 246.

of import duties in the territory of the South African Republic, the products of the soil or of the industry of the Portuguese possessions in Mozambique, and *vice versâ* the products of the soil or of the industry of that Republic in the said possessions.

His Majesty's Government abstain, as in duty bound, from expressing an opinion with respect to the interpretation or application of the clause of the most-favoured-nation treatment stipulated in the Convention of the 3rd August, 1881, between Great Britain and the South African Republic ;* His Majesty's Government are, however, glad to see that, whatsoever objections might perchance be entertained by the Government of the Transvaal in retaining the stipulation laid down in Article III of the Treaty of 1875, with the obligation of extending to the products of other nations the benefit accorded to the products of the Portuguese possessions in Mozambique, those objections will be entirely removed by the solemn declaration made by Her Britannic Majesty's Government that they do not intend to claim the benefit of that stipulation. His Majesty's Government, when they consented to exempt from the payment of all import duties on the land frontier of the Province of Mozambique the products of the soil and of the industry of the Transvaal, did so in view of the special circumstances to which Earl Granville alludes, and they do not, on their part, consider themselves bound to accord in the maritime Custom-houses a similar exemption in favour of the products of any nations to which they may have guaranteed a most-favoured-nation treatment.

Jurisdiction and Duties of Portuguese Consuls in the Transvaal.

The South African Republic having accepted the suzerainty of, and control by, Her Britannic Majesty as regards the external relations of that Republic, His Most Faithful Majesty cannot but acknowledge that the Articles of the Treaty of the 11th December, 1875, which relate to Consular Agents, will have to be modified in the sense mentioned in Earl Granville's despatch.

Railway from Portuguese Frontier to the Transvaal, across Swaziland.

His Majesty's Government are thankful for and accept the offer made to them by Her Britannic Majesty's Government of interposing their influence in order to facilitate the construction of the line of railway from Lorenço Marques across the territory of Swaziland. His Majesty's Government were already reckoning upon the valuable co-operation of Her Britannic Majesty's Government for the carrying out of a work which must effectually tend to the civilization of Southern Africa ; and if the new surveys and inquiry, which it is expedient should still be made, were to prove that the best route for the line to follow lies across Swaziland, and that this country. under the influence of Great Britain, is able to give the indispensably requisite facilities and guarantees as regards safety for the construction of the line and

* See British South Africa (Transvaal), p. 223.

for the traffic thereon, His Majesty's Government will not fail to solicit in due time the intercession of Her Britannic Majesty's Government with a view to coming to the requisite agreements with that country.

Conditional Exchange of Ratifications of the Treaty between Portugal and the Transvaal of 11th December, 1875.

The conditions under which the exchange of the ratifications of the Treaty of the 11th December, 1875*, is to be effected having thus been explained, I flatter myself with the belief that Her Britannic Majesty's Government will agree to proceed to the act in question, and to the signature, at the same time, of a Protocol in accordance with the draft which I have the honour to transmit herewith to your Excellency, and which is to be annexed to the Treaty.

I avail, &c.
A. DE SERPA.

No. 307.—*TREATY between Her Majesty and His Majesty the King of Portugal respecting the Rivers Congo and Zambesi, and the Territory on the West Coast of Africa between the* 8° *and* 5° 12′ *of South Latitude. Signed at London, 26th February*, 1884.†

[This Treaty was not ratified, but see Agreement, 14th November, 1890, page 1014.]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c., &c., &c., and His Most Faithful Majesty the King of Portugal and the Algarves, &c., &c., &c., being animated with the desire to draw closer the ties of friendship which unite the two nations; to put an end to all difficulties relative to the rights of sovereignty over the districts at the mouth of the Congo on the West Coast of Africa, situated between 8° and 5° 12′ of south latitude; to provide for the complete extinction of the Slave Trade; and to promote the development of commerce and civilisation in the African Continent; have resolved to conclude a Treaty for this purpose, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable Granville George, Earl Granville, K.G., Her Majesty's Principal Secretary of State for Foreign Affairs, &c., &c.;

And His Most Faithful Majesty the King of Portugal and the Algarves, Senhor Miguel Martins d'Antas, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty at the Court of Her Britannic Majesty, &c., &c.;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

Art. I.—Subject to the conditions of the present Treaty, Her

* See British South Africa (Transvaal). p. 246.
† S.P., vol. lxxv, p. 476.

Britannic Majesty agrees to recognize the sovereignty of His Most Faithful Majesty the King of Portugal and the Algarves over that part of the West Coast of Africa situated between 8° and 5° 12′ of south latitude; and inland as far as follows:—

On the River Congo the limit shall be Nokki.

On the coast situated between 8° and 5° 12′ of south latitude the inland eastern frontier shall coincide with the boundaries of the present possessions of the coast and riparian tribes. This frontier shall be defined, and the definition shall be communicated with the least possible delay by His Most Faithful Majesty to Her Britannic Majesty.

The definition, when approved by the High Contracting Parties, shall be recorded in a Protocol to be annexed to the present Treaty.

Art. II.—*Right of Access of Subjects of all Nations to the above Territory.*

Art. III.—*Freedom of Navigation of the Rivers Congo and Zambesi and their affluents. Claims of Portugal on the Shiré not to extend beyond the confluence of the River Ruo with that River.*

Art. IV.—*Freedom of Trade and Navigation, &c.*

Art. V.—*No Transit or other Duties to be levied.*

Art. VI.—*Open Roads.*

Art. VII.—*Protection of Missionaries. Religious Liberty.*

Art. VIII.—*Treaties with Native Chiefs to be communicated by either Power to the other.*

Art. IX.—*Customs Tariff.*

Art. X.—*Confirmation of Privileges to British Subjects and their Commerce. Most-favoured-nation Treatment.*

Art. XI.—*Wrecks.*

Art. XII.—*Slavery and the Slave Trade. Permission to British Ships of War to enter Territorial Waters of Portuguese Eastern African Colonies for Suppression of the Slave Trade. Similar powers to be given, if required, to Portuguese Vessels in British South African Possessions.*

Art. XIII.—*Stipulations of Art. I. to apply to all Territories hereafter brought under Portuguese Sovereignty.*

Art. XIV.—*British right of pre-emption in event of abandonment by Portugal of Fort of St. John the Baptist of Ajudá, on the Coast of Mina, or of any rights claimed by Portugal between 5° East and 5° West Long. on the same coast.*

No. 308.—*CONVENTION between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the King of Portugal and the Algarves, with respect to Territories in Africa. 20th August*, 1890.*

[Not ratified, but see Note, p. 1013.]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c., &c., and His Most Faithful Majesty the King of Portugal and the Algarves, &c., &c., being animated with the desire to draw closer the ties of friendship which unite the two nations, and to settle by common accord certain matters relative to their respective spheres of influence in Africa, have determined to conclude a Convention to that effect, and have named as their respective Plenipotentiaries (that is to say):

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable Robert Arthur Talbot Gascoyne Cecil, Marquis of Salisbury, K.G., Her Majesty's Principal Secretary of State for Foreign Affairs, &c.;

And His Most Faithful Majesty the King of Portugal and the Algarves, August Cesar Barjona de Freitas, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty at the Court of Her Britannic Majesty, &c.;

Who, having communicated to each other their respective full powers found in good and due form, have agreed upon the following Articles:—

Art. I.—Great Britain agrees to recognize, as within the dominion of Portugal in East Africa, the territories bounded—

Limits of Portuguese Dominions recognised by Great Britain, north of the Zambesi.

1. To the north by a line which follows the course of the River Rovuma from its mouth up to the confluence of the River M'Sinje, and thence westerly along the parallel of latitude to the shore of Lake Nyassa.

2. To the west by a line which, starting from the above-mentioned frontier on Lake Nyassa, follows the eastern shore of the lake southwards as far as the parallel of latitude 13° 30′ south; thence it runs in a south-easterly direction to the eastern shore of Lake Chiuta, which it follows. Thence in a direct line to the eastern shore of Lake Chilwa, or Shirwa, which it follows to its south-easternmost point; thence in a direct line to the easternmost affluent of the River Ruo, and thence follows that affluent, and, subsequently, the centre of the channel of the Ruo to its confluence with the River Shiré. From thence it runs in a direct line to a point half-way between Tété and the Kabra-bassa Rapids.

* Pr. Pap., "Africa, No. 2 (1890—91)." Not ratified, but see Note, p. 1013, and Agreement, 14th November, 1890, p. 1014.

Zumbo.

The Settlement of Zumbo, with a radius on the northern bank of 10 English miles, remains under the dominion of Portugal, but shall not, without the previous consent of Great Britain, be transferred to any other Power.

South of the Zambesi. Recognition by Portugal of British Sphere of Influence. (*See Art. VII.*)

Art. II.—To the south of the Zambesi, the territories within the Portuguese sphere of influence are bounded by a line which, starting from a point opposite the western extremity of the 10-mile radius of Zumbo, runs directly southwards as far as the 16th parallel of south latitude, follows that parallel to its intersection with the 31st degree of east longitude (Greenwich), thence running eastward direct to the point where the River Mazoe is intersected by the 33rd degree of east longitude; it follows that degree southwards to its intersection by the 18° 30′ parallel of south latitude; runs along that parallel westward to the affluent of the River Save or Sabi, which is called the River Masheke; follows that affluent, and afterwards the centre of the main channel of the Save, to the confluence of the Lunte, whence it strikes direct to the north-eastern point of the frontier of the South African Republic, and follows the eastern frontier of the Republic, and the frontier of Swaziland, to the River Maputa.

Non-Cession by Portugal of Territories without consent of Great Britain.

Portugal engages not to cede her territories to the south of the Zambesi to any other Power without the previous consent of Great Britain.*

Extension of Portuguese Sphere of Influence South of Delagoa Bay.

Art. III.—Great Britain engages not to make any objection to the extension of the sphere of influence of Portugal, south of Delagoa Bay, as far as a line following the parallel of the confluence of the River Pongola with the River Maputa to the sea-coast.

Non-Cession by Portugal of above Territory without consent of Great Britain.

Portugal engages that the territory of which the limits are defined in this Article shall not, without the consent of Great Britain, be transferred to any other Power.

Western Line of Division.

Art. IV.—It is agreed that the western line of division separating the British from the Portuguese sphere of influence in Central Africa shall follow the centre of the channel of the Upper Zambesi, starting from the Katima Rapids up to the junction with that river of the River Kabompo, and thence up the centre of the channel of the Kabompo.

* See also Exchange of Notes, June, 1875, p. 993.

Non-Cession by Portugal of above Territory without Consent of Great Britain.

The country hereby recognized as Portuguese shall not, without the consent of Great Britain, be transferred to any other Power.

Extension of Portuguese Sphere of Influence.

It is understood on both sides that nothing in this Article shall affect the existing rights of any other State. Subject to this reservation, Great Britain will not oppose the extension of the Portuguese sphere of influence beyond the above-mentioned limits.

Limits of British Sphere of Influence north of the Zambesi recognized by Portugal.

Art. V.—Portugal agrees to recognize, as within the sphere of influence of Great Britain on the north of the Zambesi, the territories extending from the line described in the preceding Article to Lake Nyassa, including the islands in that lake south of parallel 11° 30′, and to the line described in Article I, with the exception of Zumbo and a radius of 10 English miles round it.

Limits of British Sphere of Influence south of the Zambesi recognized by Portugal.

Art. VI.—Portugal agrees to recognize, as within the sphere of influence of Great Britain, to the south of the Zambesi, the territories bounded on the east and north-east by the line described in Article II.

Boundary Lines Subject to Ratification.

Art. VII.—All the lines of demarcation traced in Articles I to VI shall be subject to rectification by Agreement between the two Powers, in accordance with local requirements.*

Non-interference with respective Spheres of Influence.

Art. VIII.—The two Powers engage that neither will interfere with any sphere of influence assigned to the other by Articles I to VI. One Power will not in the sphere of the other make acquisitions, conclude Treaties, or accept sovereign rights or Protectorates.

Non-exercise of Sovereign Rights by Companies or Individuals.

It is understood that no Companies nor individuals subject to one Power can exercise sovereign rights in a sphere assigned to the other, except with the assent of the latter.

Trading and Mineral Concessions and Real Property Rights.

Art. IX.—Trading and mineral Concessions, and rights to real property, held by Companies or individuals, subjects of one Power,

* See Treaty, 11th June, 1891, p. 1016.

shall, if their validity is duly established, be recognized in the sphere of the other Power. It is understood that Concessions must be worked in accordance with local laws and regulations.

Reference of Disputes to Arbitrator.

If a difference of opinion shall arise between the two Governments as to the validity of the Concession, or as to the equitable character or suitability of the above-mentioned local laws and regulations, it shall be settled by the arbitration of a jurisconsult of neutral nationality.

Protection of Missionaries.

Art. X.—In all territories in Africa belonging to or under the influence of either Power, missionaries of both countries shall have full Protection.

Religious Toleration. Schools.

Religious toleration and freedom for all forms of divine worship and religious teaching are guaranteed.

Freedom of Trade and Navigation of Rivers, Lakes, &c.

Art. XI.—The two Powers engage that, in their respective spheres, as defined in Articles I to VI, trade shall enjoy complete freedom ; the navigation of the lakes, rivers, and canals, and of the ports on those waters, shall be free to both flags ;

No different Treatment on Transport or Coasting Trade.

And no differential treatment shall be permitted as regards transport or coasting trade ;

Exceptions.

Goods, of whatever origin, shall be subject to no dues except those, not differential in their incidence, which may be levied for objects directly connected with the administration, or the suppression of the Slave Trade under the provisions of the Act of the Brussels Conference, or to meet expenditure in the interest of trade ;

No Transit Dues to be levied.

No transit dues shall be permitted ;

No Monopolies or Trade Favours.

And no monopoly or favour in matters of trade can be granted.

Freedom of Settlement in respective Spheres.

The subjects of either Power will be at liberty to settle freely in the territories within the respective spheres.

Portuguese Reservations. Free Trade Zone.

Portugal reserves her right to exclude from the operation of the free zone provisions of the Act of Berlin (**No. 128**), and from the provisions of the preceding paragraph, her ports on the East Coast. She also reserves the right to exclude from the operation of the provisions of the preceding paragraph her ports on the West Coast.

Transit Dues.

She engages, however, not to charge transit dues exceeding a maximum of 3 per cent. on goods passing in transit inwards or outwards between the coast and the British sphere of influence, either by land or water. These dues shall in no case have a differential character, and shall not exceed the customs dues levied on the same goods at the above-mentioned ports.

Free Passage of Subjects and Goods.

It is understood that, under the terms of this Article, there shall be freedom for the passage of subjects and goods of both Powers across the Zambesi, and through the districts adjoining the river for the purpose of such passage, along its whole course, without hindrance of any description and without payment of transit dues.

Construction of Roads, Railways, Bridges, and Telegraph Lines.

It is further understood that within a zone of 20 English miles on the north bank of the Zambesi, Portugal shall have the right to construct roads, railways, bridges, and telegraph lines across the territories reserved to British influence on the north of the Zambesi. Both Powers shall have the same right within a zone of 10 English miles on the south of the Zambesi between Tété and the confluence of the Chobe, and within a zone of the same dimensions running from the north-east of the British sphere south of the Zambesi to the above-mentioned zone. The two Powers shall have the power, in these zones, of acquiring, on reasonable conditions, the land necessary for such objects, and shall receive all other requisite facilities. They shall also be allowed facilities for the construction on the river, between the above-named limits, of piers and landing-places for the purpose of trade or navigation. All materials for the construction of roads, railways, bridges, and telegraph lines shall be admitted free of charge.

Reference of Disputes to Arbitration.

Differences of opinion between the two Governments as to the execution of their respective obligations, incurred in accordance with the provisions of the preceding paragraph, shall be referred to the arbitration of two experts, one of whom shall be chosen on behalf of each Power, who shall select an Umpire, whose decision, in case of difference between the Arbitrators, shall be final. If two experts cannot agree upon the choice of an Umpire, this Umpire shall be selected by a neutral Power.

*Free Navigation of Zambesi and Shiré.**

Art. XII.—The navigation of the Zambesi and Shiré, without excepting any of their branches and outlets, shall be entirely free for the ships of all nations.

Art. XIII.—Merchant ships of the two Powers shall, in the Zambesi, its branches and outlets, have equal freedom of navigation, whether with cargo or ballast, for the transportation of goods and passengers. In the exercise of this navigation the subjects and flags of both Powers shall be treated, in all circumstances, on a footing of perfect equality, not only for the direct navigation from the open sea to the inland ports of the Zambesi, and *vice versâ*, but for the great and small coasting trade, and for the boat trade on the course of the river. Consequently, on all the course and mouths of the Zambesi there will be no differential treatment of the subjects of the two Powers; and no exclusive privilege of navigation will be conceded by either to Companies, Corporations, or private persons.

The navigation of the Zambesi shall not be subject to any restriction or obligation based merely on the fact of navigation. It shall not be exposed to any obligation in regard to landing station or depôt, or for breaking bulk, or for compulsory entry into port. In all the extent of the Zambesi the ships and goods in process of transit on the river shall be submitted to no transit dues, whatever their starting place or destination. No maritime or river toll shall be levied based on the sole fact of navigation, nor any tax on goods on board of ships. There shall only be collected taxes or duties which shall be an equivalent for services rendered to navigation itself. The tariff of these taxes or duties shall not warrant any differential treatment.

The affluents of the Zambesi shall be, in all respects, subject to the same rules as the river of which they are tributaries.

The roads, paths, railways, or lateral canals which may be constructed with the special object of obviating the innavigability or correcting the imperfections of the river route on certain sections of the course of the Zambesi, its affluents, branches, and outlets, shall be considered, in their quality of means of communication, as dependencies of this river, and as equally open to the traffic of both Powers. And, as on the river itself, so there shall be collected on these roads, railways, and canals, only tolls calculated on the cost of construction, maintenance, and management, and on the profits due to the promoters. As regards the tariff of these tolls, strangers and the natives of the respective territories shall be treated on a footing of perfect equality.

Portugal undertakes to apply the principles of freedom of navigation enunciated in this Article on so much of the waters of the Zambesi, its affluents, branches, and outlets, as are, or may be, under her sovereignty, protection, or influence. The rules which she may establish for the safety and control of navigation shall be drawn up in a way to facilitate, as far as possible, the circulation of merchant ships.

* Regulations for the Navigation of the Zambesi and Shiré were published in the "Diario" of 22nd June, 1892.

Great Britain accepts, under the same reservations, and in identical terms, the obligations undertaken in the preceding Articles in respect of so much of the waters of the Zambesi, its affluents, branches, and outlets, as are or may be under her sovereignty, protection, or influence.

Any questions arising out of the provisions of this Article shall be referred to a joint Commission, and, in case of disagreement, to arbitration.

Another system for the administration and control of the Zambesi may be substituted for the above arrangements by common consent of the Riverain Powers.

*Lease to a British Company of a Piece of Land at the Mouth of the Chinde.**

Portugal will, on application from Great Britain, grant to a Company a lease for 100 years of 10 acres at the mouth of the Chindé, for purposes of transhipment. The ground so leased shall not in any case be fortified.

Freedom of Passage between British Sphere of Influence and Pungwe Bay.

Art. XIV.—In the interest of both Powers, Portugal agrees to grant absolute freedom of passage between the British sphere of influence and Pungwé Bay for merchandize of every description, and to give the necessary facilities for the improvement of the means of communication.

Construction of a Railway by Portugal from Pungwe Bay to the Interior.

She undertakes to construct a railway to serve this region within a period fixed by surveys, which shall be completed with the least possible delay. An engineer named by the British Government shall take part in these surveys, which shall commence within a period of four months from the signature of this Convention. In case these conditions should not be precisely carried out, Portugal will grant to a joint Company under the control of Portuguese and British directors, and with seats in Lisbon and London, with the least possible delay, a Concession for the construction of a railway, with all requisite facilities for the acquisition of land, cutting timber, and free importation and supply of materials and labour.

Transit Dues.

It is understood that no dues shall be levied at the port of entry or exit on goods in transit exceeding the maximum of 3 per cent. under the conditions stipulated in Article XI.

Transit Dues. Limpopo, Save, and other Rivers.

It is further understood that the same provision as to goods in transit applies to the Limpopo, the Save, and all other navigable rivers flowing to the coast of the Portuguese spheres in East or West Africa, with the exception of the Zambesi.

* See Annex to Treaty of 11th June, 1891, p. 1025.

Telegraphic Communications.

Art. XV.—Great Britain and Portugal engage to facilitate telegraphic communication in their respective spheres.

The stipulations contained in Article XIV as regards the construction of a railway from Pungwé Bay to the interior shall be applicable in all respects to the construction of a telegraph line for communication between the coast and the British sphere south of the Zambesi. Questions as to the points of departure and termination of the line, and as to other details if not arranged by common consent, shall be submitted to the arbitration of experts under the prescribed conditions.

Portugal engages to maintain telegraphic service between the coast and the River Ruo, which shall be open to the use of the subjects of the two Powers without any differential treatment.

Great Britain and Portugal engage to give every facility for the connection of telegraphic lines constructed in their respective spheres.

Details in respect to such connection, and in respect to questions relating to the settlement of through tariffs and other charges, shall, if not settled by common consent, be referred to the arbitration of experts under the prescribed conditions.

Submission of Differences to Arbitration.

Art. XVI.—All differences not specifically mentioned in the preceding Articles which may arise between the two Governments with regard to this Convention shall be submitted to arbitration.

Ratifications.

Art. XVII.—The present Convention shall be ratified, and the ratifications shall be exchanged at London as soon as possible.*

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done in duplicate at London, the 20th day of August, in the year of Our Lord, 1890.

(L.S.) SALISBURY.
(L.S.) BARJONA DE FREITAS.

Non-ratification of the above Convention.

Angola.

Note.—In September, 1890,† the Portuguese Government were informed that, in the view of the British Government, with the exception of Art. X, §§ 2 and 3, of Art. XI, §§ 2 and 3, and of Art. XIV, the provisions of the Convention as regarded the western side of Africa did not apply to the Province of Angola, but only to the territories

* This Convention was not ratified; but see Treaty, 11th June, 1891, p. 1016.
† Par. Pap., "Africa, No. 2 (1890-91)."

recognized by Great Britain in that Agreement as being within the Portuguese sphere of influence, and that the limits of the Province of Angola should be taken to be those laid down in Stieler's Atlas (Berlin, 1889).

On the 15th September, the Portuguese Government, presided over by Senhor Serpa Pimentel, laid this Convention before the Chamber of Deputies, and introduced a Bill for its ratification, which was referred to a Committee; but, owing to the opposition made to the Convention, the Government resigned, and an interregnum ensued.

On the 6th October, Sir G. Petre, Her Majesty's Minister at Lisbon, was instructed by the Marquis of Salisbury, by telegraph, to inform the Portuguese Minister for Foreign Affairs that if the Portuguese Government should allow the Session to close without applying for the ratification of the Convention, Her Majesty's Government would not consider themselves bound by the signature of it; and Sir G. Petre made a communication to this effect to the Portuguese Government. On the 24th of the same month a Despatch was addressed by the new Portuguese Minister for Foreign Affairs (Senhor du Bocage) to Senhor Soveral, the Portuguese Chargé d'Affairs in London, in which he said: "The abandonment of the Treaty is therefore, *un fait accompli*, as far as the British Government is concerned, arising out of the fact of the late Cabinet having quitted office without having fulfilled their promise of submitting it to a Parliamentary vote;" and it was added: "I accept the abandonment of the Treaty as a *fait accompli*." But, on the 14th November, 1890, an Agreement was signed between the two countries, by Article IV of which they engaged to recognize the territorial limits indicated in the Convention of 20th August, 1890, in so far that from the date of the Agreement of 14th November, 1890, till its termination, neither Party would make Treaties, accept Protectorates, or exercise any act of sovereignty within the spheres of influence assigned to the other Party by that Agreement (**No. 309**).

No. 309.—*AGREEMENT between Great Britain and Portugal, recording a* Modus vivendi *respecting the Spheres of Action of the two Countries in Africa. Navigation of the Zambesi and Shiré Rivers, &c. London, 14th November,* 1890.*

The Undersigned, duly authorized to that effect by their respective Governments, have agreed as follows:—

Free Navigation of the Zambesi and Shiré Rivers.

Art. I. The Government of His Most Faithful Majesty the King of Portugal and the Algarves engages to decree at once the freedom of navigation of the Zambesi and of the Shiré.

* Signed also in the Portuguese language. Par. Pap., "Africa, No. 2 (1890-91)." See Treaty, 11th June, 1891, p. 1016.

Freedom of Transit over Waterways of the Zambesi, Shiré, and Pungwé, also over Landways between those Rivers.

Art. II. The Government of His Most Faithful Majesty the King of Portugal and the Algarves engages also to permit and to facilitate transit over the waterways of the Zambesi, the Shiré, and the Pungwé, and also over the landways which supply means of communication where these rivers are not navigable.

Communications between Portuguese Ports on the Coast and the British Sphere of Influence.

Art. III. The Government of His Most Faithful Majesty the King of Portugal and the Algarves further engages to facilitate communications between the Portuguese ports on the coast and the territories included in the sphere of action of Great Britain, especially as regards the establishment of postal and telegraphic communications, and as regards the transport service.

Recognition of Territorial Agreement of 20th August, 1890.

Art. IV. The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Most Faithful Majesty the King of Portugal and the Algarves, engage to recognise the territorial limits indicated in the Convention of the 20th August, 1890 (**No. 308**), in so far that from the date of the present Agreement to the termination thereof neither Power will make Treaties, accept Protectorates, or exercise any act of sovereignty within the spheres of influence assigned to the other Party by the said Convention.

But neither Power will thereby be held to prejudge any question whatever which may arise as to the said territorial limits in the course of the ulterior negotiations.

Art. V. The present Agreement shall come into operation from the date of its signature, and shall remain in force for a period of six months.

Done at London, the 14th day of November, 1890.

(L.S.) SALISBURY.
(L.S.) LUIZ DE SOVERAL.

On the 18th November, 1890, two Portuguese Decrees were issued, from which the following extracts are given, one granting the right of transit for merchandise from Pungwé to the sphere of British influence on payment of a 3 per cent. *ad valorem* duty ; and the other granting free navigation of the Zambesi and Shiré to the vessels of all nations :—

(1.) *Transit of Merchandise from Pungwé to the Sphere of British Influence on Payment of a 3 per cent.* ad valorem *Duty.*

" Art. 1.—The transit, as provided in Article 70 of the Decree of the 30th July, 1877, of merchandise consigned, either by land or by

the waterways, to the foreign territories adjoining the Portuguese territory on the north or south, or to the regions situated beyond the confluence of the Rivers Zambesi and Shiré, through the Custom-houses of the Province of Mozambique, mentioned in Article 11 of that Decree, is hereby allowed to be carried on under the same conditions between the port of Beira (Pungwé Bay) and the sphere of British influence.

"Art. 2.—Custom-houses or Customs stations will be established at Beira and at any points on the internal frontier of the Province of Mozambique where they may be required for the purpose of carrying the preceding article into effect; the Governor-General of the Province will submit to the Government the list of the Customs officials required in the said Custom-houses.

"Art. 3.—Any Laws in opposition thereto are hereby revoked."

(2.) *Free Navigation of the Rivers Zambesi and Shiré.**

Art. 1.—The navigation of the Rivers Zambesi and Shiré, in so far as they are under the sovereignty, protectorate, or influence of Portugal, is free for the vessels of all nations, in accordance with the principles which the Governments of France and Great Britain agreed to establish on the Niger, in virtue of the General Act of the Conference of Berlin in 1885 (**No. 128**).

Art. 2.—The Governor-General of the Province of Mozambique will submit the necessary Regulations for the safety and police supervision of the said navigation, which Regulations must be drawn up in the sense of facilitating the passage of merchant vessels.

Art. 3.—Any Laws in opposition thereto are hereby revoked.

No. 310.—*TREATY between Her Britannic Majesty and His Majesty the King of Portugal, defining their respective Spheres of Influence in Africa. Lisbon, 11th June,* 1891.†

[*Ratifications exchanged at London, 3rd July,* 1891.]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c., &c., &c., and His Most Faithful Majesty the King of Portugal and Algarves, &c., &c., &c., with a view to settle definitively the boundaries of their respective spheres of influence in Africa, and being animated with the desire to confirm the friendly relations between the two Powers, have determined

* Regulations respecting the navigation of the Zambesi and Shiré were published in the "Diario" of 22nd June, 1892.

† The Draft of this Treaty was drawn up in London in the English language only and initialled by the Marquis of Salisbury and M. de Soveral, but it was signed at Lisbon, in the English and Portuguese languages, the British Minister signing the English version, and the Portuguese Minister for Foreign Affairs the Portuguese version. See also Agreement of May and June, 1893, p. 1027, and Agreement of 20th January, 1896, p. 1034.

to conclude a Treaty to this effect, and have named as their respective Plenipotentiaries, that is to say :

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir George Glynn Petre, K.C.M.G., C.B., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Most Faithful Majesty, &c. ; and

His Most Faithful Majesty the King of Portugal and Algarves, Joaquim Thomaz Lobo d'Avila, Count of Valbom, Councillor of His Majesty and of State, Peer of the Realm, Grand Cross of various Orders, &c., His Majesty's Minister and Secretary of State for Foreign Affairs, &c. ;

Who, having communicated to each other their respective full powers, found in good and due order, have agreed upon and concluded the following Articles :—

*Territories within Portuguese Dominions North of the Zambesi.**

Art. I.—Great Britain agrees to recognize as within the dominion of Portugal in East Africa the territories bounded—

1. To the north by a line which follows the course of the River Rovuma from its mouth up to the confluence of the River M'Sinje, and thence westerly along the parallel of latitude to the confluence of these rivers to the shore of Lake Nyassa.

2.† To the west by a line which, starting from the above-mentioned frontier on Lake Nyassa, follows the eastern shore of the lake southwards as far as the parallel of latitude 13° 30′ south ; thence it runs in a south-easterly direction to the eastern shore of Lake Chiuta, which it follows. Thence it runs in a direct line to the eastern shore of Lake Chilwa or Shirwa, which it follows to its south-easternmost point ; thence in a direct line to the easternmost affluent of the River Ruo, and thence follows that affluent, and, subsequently, the centre of the channel of the Ruo to its confluence with the River Shiré.

From the confluence of the Ruo and Shiré the boundary will follow the centre of the channel of the latter river to a point just below Chiwanga. Thence it runs due westward until it reaches the watershed between the Zambesi and the Shiré, and follows the watershed between those rivers and afterwards between the former river and Lake Nyassa until it reaches parallel 14° of south latitude.

From thence it runs in a south-westerly direction to the point where south latitude 15° meets the River Aroangwa or Loangwa, and follows the mid-channel of that river to its junction with the Zambesi.

* A Protocol of the delimitation of the boundary to the north of the Zambesi was signed by the Boundary Commissioners on the 21st November, 1904 (**No. 327**) and on the 15th September, 1906, Notes were exchanged between the two Governments accepting provisionally the boundary delimited by the Commissioners between British Central Africa (Nyasaland Protectorate) and Portuguese East Africa (**No. 328**).

† See Agreement, May—June, 1893, Art. I, p. 1027.

Territories within Portuguese Sphere of Influence South of the Zambesi.

Art. II.*—To the south of the Zambesi, the territories within the Portuguese sphere of influence are bounded by a line which, starting from a point opposite the mouth of the River Aroangwa or Loangwa, runs directly southwards as far as the 16th parallel of south latitude, follows that parallel to its intersection with the 31st degree of longitude east of Greenwich, thence running eastward direct to the point where the River Mazoe is intersected by the 33rd degree of longitude east of Greenwich ; it follows that degree southward to its intersection by the 18° 30′ parallel of south latitude ; thence it follows the upper part of the eastern slope of the Manica plateau southwards to the centre of the main channel of the Sabi, follows that channel to its confluence with the Lunte, whence it strikes direct to the north-eastern point of the frontier of the South African Republic, and follows the eastern frontier of the Republic, and the frontier of Swaziland, to the River Maputo.

It is understood that in tracing the frontier along the slope of the plateau, no territory west of longitude 32° 30′ east of Greenwich shall be comprised in the Portuguese sphere, and no territory east of longitude 33° east of Greenwich shall be comprised in the British sphere.

Mutassa, British ; Massi-Kessi, Portuguese.

The line shall, however, if necessary, be deflected so as to leave Mutassa in the British sphere, and Massi-Kessi in the Portuguese sphere.

Portuguese Sphere of Influence South of Delagoa Bay (Tongaland).

Art. III.—Great Britain engages not to make any objection to the extension of the sphere of influence of Portugal, south of Delagoa Bay, as far as a line following the parallel of the confluence of the River Pongolo with the River Maputo to the sea-coast.†

* See Agreement, May–June, 1893, Art. III, p. 1027, and Declaration of the 7th January, 1895, for submission to arbitration of the boundary in dispute under this Article, p. 1030. The Award of the Arbitrator was given on the 30th January, 1897, p. 1036. The boundary to the south of the Zambesi has been delimited as follows :—

From the Zambezi to the Mazoe.—Protocol signed by the Boundary Commissioners, 24th October, 1905 (**No. 327**).

From the Mazoe to 18° 30′ South latitude (Barué).—Procès-Verbaux drawn up by the Commissioners, 28th June and 6th December, 1898 (**No. 317**). Notes exchanged between the two Governments, 4th March, 28th April, 1902 (**No. 322**), and 18th January, 12th April, 1904 (**No. 324**).

From 18° 30′ South latitude to the Sabi River (Manica).—Procès-Verbaux of Commissioners, June–December, 1898 (**No. 318**), and Notes exchanged between the two Governments, 3rd June, 1907 (**No. 329**).

From the Sabi to the Limpopo.—Exchange of Notes between the two Governments, 21st December, 1903, 19th July, 1904, accepting demarcation made by Commissioners (**No. 325**), and further Notes exchanged on 3rd June, 1907, definitively adopting the line (**No. 329**).

† Notes were exchanged between the two Governments on the 24th September and 5th October, 1895, defining their frontiers in Tongaland, p. 1033; the frontier was beaconed and a description of the line was signed by the Boundary Commissioners on the 2nd October, 1897, p. 1066 ; and further Notes were exchanged accepting the work of the Commissioners, December, 1898, and January, 1899, p. 1070.

Central Africa.

Art. IV.*—It is agreed that the western line of division separating the British from the Portuguese sphere of influence in Central Africa shall follow the centre of the channel of the Upper Zambesi, starting from the Katima Rapids† up to the point where it reaches the territory of the Barotse Kingdom.

Barotse Kingdom within British Sphere.

That territory shall remain within the British sphere; its limits to the westward, which will constitute the boundary between the British and Portuguese spheres of influence, being decided by a Joint Anglo-Portuguese Commission, which shall have power, in case of difference of opinion, to appoint an Umpire.‡

Rights of other States.

It is understood on both sides that nothing in this Article shall affect the existing rights of any other State. Subject to this reservation, Great Britain will not oppose the extension of Portuguese administration outside of the limits of the Barotse country.

North of the Zambesi. Territories within British Sphere. Lake Nyassa, &c.

Art. V.—Portugal agrees to recognize, as within the sphere of influence of Great Britain on the north of the Zambesi, the territories extending from the line to be settled by the Joint Commission mentioned in the preceding Article to Lake Nyassa, including the islands in that lake south of parallel 11° 30′ south latitude, and to the territories reserved to Portugal by the line described in Article I.

South of the Zambesi. Territories within British Sphere of Influence.

Art. VI.—Portugal agrees to recognize, as within the sphere of influence of Great Britain to the south of the Zambesi, the territories bounded on the east and north-east by the line described in Article II.

Lines of Demarcation subject to Rectification.

Art. VII.—All the lines of demarcation traced in Articles I to VI shall be subject to rectification by agreement between the two Powers, in accordance with local requirements.

* See Agreement, May—June, 1893, Art. V, p. 1028, and further Agreement of the 20th January, 1896, p. 1034.

† The boundary line separating the Portuguese and German possessions in South-West Africa terminates at these Rapids. See Art. I of Declaration between Germany and Portugal of the 30th December, 1886, p. 703. The British line was, however, carried from the Rapids to the River Kwando by Award of the Arbitrator of 30th May, 1905. See note (‡) following.

‡ In place of the procedure here contemplated the two Governments agreed by a Declaration signed at London on the 12th August, 1903 (p. 1072), to have recourse to arbitration. The award of the King of Italy as Arbitrator was delivered on the 30th May, 1905, p. 1074.

South of the Zambesi. Mutual Rights of Pre-emption in event of Cessions.

The two Powers agree that in the event of one of them proposing to part with any of the territories to the south of the Zambesi assigned by these Articles to their respective spheres of influence, the other shall be recognized as possessing a preferential right to the territories in question, or any portion of them, upon terms similar to those proposed.

Non-acceptance of Sovereign Rights or Protectorates in respective Spheres of Influence.

Art. VIII.—The two Powers engage that neither will interfere with any sphere of influence assigned to the other by Articles I to VI. One Power will not, in the sphere of the other, make acquisitions, conclude Treaties, or accept sovereign rights or Protectorates. It is understood that no Companies nor individuals subject to one Power can exercise sovereign rights in a sphere assigned to the other, except with the assent of the latter.

Commercial and Mineral Concessions. Real Property.

Art. IX.—Commercial or mineral Concessions and rights to real property possessed by Companies or individuals belonging to either Power shall, if their validity is duly proved, be recognized in the sphere of the other Power. For deciding on the validity of mineral Concessions given by the legitimate authority within 30 miles of either side of the frontier south of the Zambesi, a Tribunal of Arbitration is to be named by common agreement.

It is understood that such Concessions must be worked according to local regulations and laws.

Missionaries, Religious Toleration, &c.

Art. X.—In all territories in East and Central Africa belonging to or under the influence of either Power, missionaries of both countries shall have full protection. Religious toleration and freedom for all forms of Divine worship and religious teaching are guaranteed.

Transit of Goods and Transit Duty.

Art. XI.—The transit of goods across Portuguese territories situated between the East Coast and the British sphere shall not, for a period of 25 years from the ratification of this Convention, be subjected to duties in excess of 3 per cent. for imports or for exports. These dues shall in no case have a differential character, and shall not exceed the customs dues levied on the same goods in the above-mentioned territories.

Her Majesty's Government shall have the option, within 5 years from the date of the signature of this Agreement, to claim freedom of transit for the remainder of the period of 25 years on payment of a sum capitalizing the annual duties for that period at the rate of 30,000*l.* a year.

Coin and Precious Metals.

Coin and precious metals of all descriptions shall be imported and exported to and from the British sphere free of transit duty.

Passage of Subjects across the Zambesi and Neighbouring Districts.

It is understood that there shall be freedom for the passage of subjects and goods of both Powers across the Zambesi, and through the districts adjoining the left bank of the river situated above the confluence of the Shiré, and those adjoining the right bank of the Zambesi situated above the confluence of the River Luenha (Ruenga), without hindrance of any description and without payment of transit dues.

Construction of Roads, Railways, Bridges, and Telegraph Lines.

It is further understood that in the above-named districts each Power shall have the right, so far as may be reasonably required for the purpose of communication between territories under the influence of the same Power, to construct roads, railways, bridges, and telegraph lines across the district reserved to the other. The two Powers shall have the right of acquiring in these districts on reasonable conditions the land necessary for such objects, and shall receive all other requisite facilities. Portugal shall have the same rights in the British territory on the banks of the Shiré and in the British territory comprised between the Portuguese territory and the banks of Lake Nyassa. Any railway so constructed by one Power on the territory of the other shall be subject to local Regulations and Laws agreed upon between the two Governments, and, in case of differences of opinion, subject to arbitration as hereinafter mentioned.

Construction of Piers and Landing Places on Rivers.

The two Powers shall also be allowed facilities for constructing on the rivers within the above districts piers and landing places for the purpose of trade and navigation.

Submission of Differences to Arbitration.

Differences of opinion between the two Governments as to the execution of their respective obligations, incurred in accordance with the provisions of the preceding paragraph, shall be referred to the arbitration of two experts, one of whom shall be chosen on behalf of each Power. These experts shall select an Umpire, whose decision, in case of difference between the Arbitrators, shall be final. If the two experts cannot agree upon the choice of an Umpire, this Umpire shall be selected by a neutral Power to be named by the two Governments.

All materials for the construction of roads, railways, bridges, and telegraph lines shall be admitted free of charge.

Free Navigation of Zambesi and Shiré.

Art. XII.—The navigation of the Zambesi and Shiré, without excepting any of their branches and outlets, shall be entirely free for the ships of all nations.

Transit over Waterways of the Zambesi, Shiré, Pungwé, Busi, Limpopo, Sabi, &c.

The Portuguese Government engages to permit and to facilitate transit for all persons and goods of every description over the waterways of the Zambesi, the Shiré, the Pungwé, the Busi, the Limpopo, the Sabi, and their tributaries.

Transit over Landways.

And also over the landways which supply means of communication where these rivers are not navigable.

Navigation of Zambesi. National Treatment. Coasting Trade.

Art. XIII.—Merchant-ships of the two Powers shall in the Zambesi, its branches and outlets, have equal freedom of navigation, whether with cargo or ballast, for the transportation of goods and passengers. In the exercise of this navigation the subjects and flags of both Powers shall be treated, in all circumstances, on a footing of perfect equality, not only for the direct navigation from the open sea to the inland ports of the Zambesi, and *vice versâ*, but for the great and small coasting trade, and for boat trade on the course of the river. Consequently, on all the course and mouths of the Zambesi there will be no differential treatment of the subjects of the two Powers;

No Exclusive Privileges to be granted.

And no exclusive privilege of navigation will be conceded by either to Companies, Corporations, or private persons.

No Restrictions to be imposed.

The navigation of the Zambesi shall not be subject to any restriction or obligation based merely on the fact of navigation.

Depôts, &c.

It shall not be exposed to any obligation in regard to landing-station or depôt, or for breaking bulk, or for compulsory entry into port.

No Transit Dues to be levied.

In all the extent of the Zambesi the ships and goods in process of transit on the river shall be submitted to no transit dues, whatever their starting-place or destination.

Nor Maritime or River Toll.

No maritime or river toll shall be levied based on the sole fact of navigation;

Nor Tax on Goods.

Nor tax on goods on board of ships.

Taxes or Duties necessary to Navigation alone to be levied.

There shall only be collected taxes or duties which shall be an equivalent for services rendered to navigation itself. The tariff of these taxes or duties shall not warrant any differential treatment.

Affluents of the Zambesi.

The affluents of the Zambesi shall be in all respects subject to the same rules as the river of which they are tributaries.

The roads, paths, railways, or lateral canals which may be constructed with the special object of correcting the imperfections of the river route on certain sections of the course of the Zambesi, its affluents, branches, and outlets, shall be considered, in their quality of means of communication, as dependencies of this river, and as equally open to the traffic of both Powers. And, as on the river itself, so there shall be collected on these roads, railways, and canals only tolls calculated on the cost of construction, maintenance, and management, and on the profits due to the promoters. As regards the tariff of these tolls, strangers and the natives of the respective territories shall be treated on a footing of perfect equality.

Waters of the Zambesi, &c., under Portuguese influence.

Portugal undertakes to apply the principles of freedom of navigation enunciated in this Article on so much of the waters of the Zambesi, its affluents, branches, and outlets, as are or may be under her sovereignty, protection, or influence. The rules which she may establish for the safety and control of navigation shall be drawn up in a way to facilitate, as far as possible, the circulation of merchant-ships.

Waters of the Zambesi, &c., under British influence.

Great Britain accepts, under the same reservations, and in identical terms, the obligations undertaken in the preceding Articles in respect of so much of the waters of the Zambesi, its affluents, branches, and outlets, as are or may be under her sovereignty, protection, or influence.

Disputes to be referred to a Joint Commission or to Arbitration.

Any questions arising out of the provisions of this Article shall be referred to a Joint Commission, and, in case of disagreement, to arbitration.

Above System may be altered by mutual consent.

Another system for the administration and control of the Zambesi may be substituted for the above arrangements by common consent of the Riverain Powers.

Freedom of passage between British Sphere of Influence and Pungwé Bay.

Art. XIV.—In the interests of both Powers, Portugal agrees to grant absolute freedom of passage between the British sphere of influence and Pungwé Bay for all merchandize of every description, and to give the necessary facilities for the improvement of the means of communication.

Portuguese Government to construct Railway between Pungwé and British Sphere.

The Portuguese Government agrees to construct a railway between Pungwé and the British sphere. The survey of this line shall be completed within six months, and the two Governments shall agree as to the time within which the railway shall be commenced and completed. If an agreement is not arrived at, the Portuguese Government will give the construction of the railway to a Company which shall be designated by a neutral Power, to be selected by the two Governments, as being in its judgment competent to undertake the work immediately. The said Company shall have all requisite facilities for the acquisition of land, cutting timber, and free importation and supply of materials and labour.

Portuguese Government to construct Road from Pungwé to British Sphere.

The Portuguese Government shall either itself construct or shall procure the construction of a road from the highest navigable point of the Pungwé, or other river which may be agreed upon as more suitable for traffic, to the British sphere;

Landing-places in Pungwé Bay.

And shall construct or procure the construction in Pungwé Bay and on the river of the necessary landing-places.

No Transit Dues to be levied.

It is understood that no dues shall be levied on goods in transit by the river, the road, or the railway exceeding the maximum of 3 per cent. under the conditions stipulated in Article XI.

Telegraphic Communication.

Art. XV.—Great Britain and Portugal engage to facilitate telegraphic communication in their respective spheres.

The stipulations contained in Article XIV, as regards the construction of a railway from Pungwé Bay to the interior, shall be applic-

able in all respects to the construction of a telegraph line for communication between the coast and the British sphere south of the Zambesi. Questions as to the points of departure and termination of the line, and as to other details, if not arranged by common consent, shall be submitted to the arbitration of experts under the conditions prescribed in Article XI.

Portugal engages to maintain telegraphic service between the coast and the River Ruo, which service shall be open to the use of the subjects of the two Powers without any differential treatment.

Great Britain and Portugal engage to give every facility for the connection of telegraphic lines constructed in their respective spheres.

Details in respect to such connection and in respect to questions relating to the settlement of through-tariffs and other charges, shall, if not settled by common consent, be referred to the arbitration of experts under the conditions prescribed in Article XI.

Convention to be Ratified.

Art. XVI.—The present Convention shall be ratified, and the ratifications shall be exchanged at Lisbon or London as soon as possible.*

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done in duplicate at Lisbon, the 11th day of June, in the year of Our Lord, 1891.

(L.S.) GEORGE G. PETRE.
(L.S.) CONDE DE VALBOM.

Annex to Treaty between Great Britain and Portugal of 11th June, 1891. Lease by Portugal to Great Britain of Land at Chinde.† Lease by Great Britain to Portugal of Land on Lake Nyassa.

I.—A note shall be addressed to Her Majesty's Government, by the Portuguese Government undertaking to lease for ninety-nine years to persons named by Her Majesty's Government land at the Chinde mouth of the Zambesi, to be used under Regulations for the landing, storage, and transhipment of goods. Sites, price, and regulations to be arranged by three Commissioners to be named one by each of the two Governments and the third by a neutral Power to be selected by them. In case of difference of opinion among the Commissioners, the decision of the majority to be final. A note shall also be addressed to the Portuguese Government by Her Majesty's Government undertaking, on the demand of the former, to lease on similar conditions and for similar purposes to persons named by the Portuguese Government land in some spot on the south-western

* Ratifications exchanged at London, 3rd July, 1891.
† See last paragraph of Art. XIII of Convention of 20th August, 1890, p. 1012.

coast of Lake Nyassa which shall be agreed upon between the two Governments as suitable for the purpose.

II.—*Traffic Rates on the Railway.*

III.—*Importation of Spirits to either bank of the Zambesi and Shiré.*

Note.

In pursuance of the above Agreement a lease was signed in Lisbon on the 7th of May, 1892, under which the Portuguese Government granted in lease to the person named by the British Government, and to his successors, a piece of land situated on the right bank of the Chinde River, within the district of Quilimane, in the Province of Mozambique, forming a rectangular block of 10 hectares and measuring 400 metres along the river bank by 250 metres in depth, the exact boundaries being shown on the plan annexed to the Agreement. The lease to run for 99 years from 1st January, 1892, and a rent of 1,000,000 reis, or its equivalent in English money, to be paid annually to the Portuguese Government.

A similar lease was signed on the same day in which it was stated that the British Government being in possession of the district of Leopard Bay, on the south-west coast of Lake Nyassa, from Kazembe, Sultan of Rifu, grant to the person named by the Portuguese Government, and to his successors, a piece of land situated on the southern foreshore of Leopard Bay, having a total area of 121,000 square yards, that is to say, 440 yards long by 275 yards broad, the frontage along the foreshore of the lake being 440 yards, the exact boundaries being shown on the plan annexed to the Agreements. The lease to run for 99 years from 1st January, 1892, and a rent of 1,000,000 reis or its equivalent in English money to be paid annually to the British Government.

The other conditions of the leases relate to the use of the land; persons permitted to reside in it; receipt and exit of goods; no retail trade; erection of buildings; sub-letting; no compensation on termination of lease for buildings and improvements.

Note.—An Agreement was concluded between the British and Portuguese Governments on the 12th September, 1898, under which it was settled that the British Concession at Chinde having been diminished by about one-fourth by the encroachments of the river, 10 hectares should be added to it from the "Extra Concession," to be held subject to the conditions of the lease of the Concession.

At the same time it was proposed that the Portuguese Government should be allowed to abandon the site chosen at Leopard Bay and to fix on a situation further south, in the south-west corner of the lake. This was agreed to by the British Government, and an Agreement was signed by the Boundary Commissioners of the two Governments on the 12th January, 1901, for the concession of a tract of land in the western shore of the south-west arm of Lake Nyassa, to be known as Chipole, Rhoades Bay (No. 321).

The demarcation of the amended British Concession at Chinde was carried out, and a Deed of Transfer signed on the 27th December, 1898.

No. 311.—*AGREEMENT between Great Britain and Portugal relative to Spheres of Influence north of the Zambesi.* 31*st May*—5*th June*, 1893.

(1.) *The Earl of Rosebery to M. de Soveral.*

M. le Ministre, *Foreign Office*, 31*st May*, 1893.

In compliance with the desire of the Portuguese Government that a formal exchange of notes should take place recording the understanding come to between the two Governments in the early part of 1892 for a *modus vivendi* pending the delimitation of the boundaries of the British and Portuguese spheres of influence north of the Zambesi, under the Treaty of the 11th June, 1891 (**No. 310**), I have the honour to submit the following draft of Articles, which Her Majesty's Government trust will be found to meet the purpose :—

Natural Lines of Demarcation.

" **Art. I.**—Pending actual delimitation, all natural lines of demarcation specified in sub-head 2, Article I, of the Anglo-Portuguese Treaty of the 11th June, 1891 (**No. 310**), shall be considered for all purposes as constituting the boundaries between the British and Portuguese spheres of influence in all localities in which there can be no doubt as to their coinciding with the line described in the above-mentioned sub-head.

" The natural lines of demarcation above referred to are as follows :—

" The eastern shore of Lake Chiuta.

" The eastern shore of Lake Chilwa, or Shirwa.

" The easternmost affluent of the River Ruo.

" The River Ruo below the confluence of its easternmost affluent to its junction with the River Shiré.

" The River Shiré between the point where the River Ruo flows into it and a point situated just below Chiwanga.

" The watershed between Lake Nyassa and the River Zambesi south of latitude 14° south.

" The River Aroangwa, or Loangwa, south of latitude 15° south to its junction with the River Zambesi.

" **Art. II.**—Pending the exact determination of the point where latitude 13° 30′ south cuts the eastern shore of Lake Nyassa, Padimba, and Makanjira, and the shore south of those places, shall be recognized as being within the British sphere of influence ; and similarly the eastern shore of the lake north of the River Lomazi, and as far as the point where it is intersected by the line described in sub-head 1, Article I. of the Treaty of the 11th of June, 1891 (**No. 310**), shall be recognized as being within the Portuguese sphere of influence.

River Shiré. Point just below Chiwanga.

' **Art. III.**—Pending a definite agreement, the post erected as a boundary beacon by Mr. Johnston on the right bank of the River

Shiré shall be accepted provisionally as the 'point just below Chiwanga,' mentioned in Article I of the Anglo-Portuguese Convention (**No. 310**); and a line traced by the Portuguese authorities from that point due west to the watershed between the Shiré and the Zambesi shall be similarly accepted as a temporary boundary between the British and Portuguese spheres of influence.

Islands of Lake Nyassa.

Art. IV.—The Islands of Chisamulu and Lukomo, or Dikomo, and all other Islands of Lake Nyassa further to the south, shall be recognized as being within the British sphere of influence.

Central Africa.

" **Art. V.**—Pending the delimitation of a boundary line as laid down in Article IV of the Treaty of the 11th June, 1891 (**No. 310**), the line formed by the course of the Zambesi from the cataracts at Katima up to its confluence with the Cabompo River, and thence by the course of the Cabompo, shall be the provisional boundary between the respective spheres of influence in that region, and the provisions of Article VIII of the Treaty above referred to shall be applicable to the territories separated by the said provisional boundary until a definitive boundary shall have been substituted in its stead.

Course to be pursued where Boundary Line is Doubtful.

" **Art. VI.**—Wherever, previous to delimitation, the actual course of the boundary line described in sub-head 2, Article I, of the Anglo-Portuguese Treaty (**No. 310**) appears to be doubtful, neither the Government of Great Britain nor that of Portugal shall make acquisitions, conclude Treaties, or accept sovereign rights in territories which after delimitation are likely to be proved to be within the sphere of influence of the other; and neither of them will recognize, nor lead to suppose that the other will recognize, any rights of whatever nature which the subjects of the one may claim to have acquired in such territories subsequently to the 11th June, 1891 (**No. 310**), either by means of Treaties with the natives or by any other title.

Mutual Abrogation of Concessions. Demarcation of Boundary in Sections.

" **Art. VII.**—As soon as the definitive demarcation of the boundary, or of any section of it, is completed, there shall cease, in territories which, in virtue of such demarcation, become subject to the sovereignty, protection, or influence of one of the two Powers, all acts of jurisdiction or government by the officials, and all occupations by the military or police forces of the other Power or its Concessionnaires; and there shall lapse, *ipso facto*, all Concessions which the latter may have made to individuals, and all rights to property, usufruct, or exploration which its subjects or dependents may claim to have acquired in those territories subsequently to the 11th June, 1891 (**No. 310**).

[Spheres of Influence North of the Zambesi.]

Occupations, Concessions, &c., since 11th June, 1891.

"**Art. VIII.**—Acts of occupation or jurisdiction performed by the officials or Concessionnaires of one of the two Powers subsequently to the 11th June, 1891 (**No. 310**), and Concessions or proprietary rights of whatever nature which the subjects or dependants of that Power may claim to have acquired since that date in territory which, after demarcation, proves to be within the sphere of influence of the other, shall in no case be used as a motive for demanding the rectification of the boundary under the provisions of Article VII of the Anglo-Portuguese Treaty (**No. 310**).

Rights of Occupation, Passage, or Jurisdiction.

" **Art. IX.**—In all questions between the military or police forces of the two Powers as to rights of occupation, passage, or jurisdiction, which may arise in consequence of the demarcation of the boundary being incomplete, the local officials of the two Powers shall try to come to an understanding, failing which the matter in dispute shall be referred for the decision of such person as may be appointed for the purposes of this Article, and by them, if necessary, to their respective Governments.

No Coercive Measures to be adopted.

" It shall be clearly understood that, pending such decision, no coercive measures whatsoever shall be adopted, and that should force be used, notwithstanding the provisions of this Article, by the military or police forces of either of the Powers, the Government of the other shall be entitled to demand redress.

Nyasaland, Loangwa, and Barotze Territories. Modus Vivendi *accepted without Prejudice.*

" **Art. X.**—Neither in the Nyasaland, nor in the Loangwa, nor in the Barotze territories shall the *modus vivendi* be held as prejudging in any way the ultimate territorial rights of Great Britain or of Portugal.

Duration of Modus Vivendi *till 1st July,* 1896.*

" **Art. XI.**—The *modus vivendi* shall continue in force till the 1st July, 1896. After that date, it may be denounced by either Government with three months' notice, the work of delimitation to begin before the expiration of the three months.

" The *modus vivendi* shall not interfere with, or be vitiated by, any delimitation which it may be found possible, during its continuance, to carry out of any portion or portions of the frontier-line."

I should esteem it a favour if you would notify to me the consent of your Government to these Articles, if accepted by them, and on the receipt of a communication to that effect, Her Majesty's Govern-

* The *Modus Vivendi* was prolonged for a further period of two years, viz., until the 1st July, 1898, by Agreement signed at London on the 20th January, 1896 (p. 1034), on the understanding that it should cease to operate as soon as the Delegates for defining the boundary under Art. IV of the Treaty of the 11th June, 1891 (p. 1019), should have completed their task.

ment will consider the said exchange of notes as an agreement between the two Governments.

I have, &c.,
ROSEBERY.

(2.) *M. de Soveral to the Earl of Rosebery.*

(Translation.)

My Lord, *London, 5th June,* 1893.

In reply to the note which your Excellency was good enough to address to me on the 31st ultimo, I have the honour to inform you that the King's Government authorizes me to accept the terms of the *modus vivendi* as contained in the said note.

I have, &c.,
LUIZ DE SOVERAL.

No. 312.—*DECLARATION between Great Britain and Portugal, agreeing to refer to Arbitration the Boundary in dispute under Art. II of the Treaty of 11th June,* 1891. *Signed at London, 7th January,* 1895.

(Translation.)

On the 11th June, 1891, a Treaty was signed between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Most Faithful Majesty the King of Portugal and the Algarves, which Treaty settled the question of the boundaries of their Possessions and Spheres of Influence in Eastern and Central Africa (**No. 310**).

Art. II of this Treaty contains the demarcation of the boundary to the south of the Zambesi, that is to say, from the point on the bank of this river opposite the mouth of the Aroangoa or Loangwa, as far as the point where the boundary of Swaziland intersects the River Maputo.

Differences having arisen with regard to the meaning of certain phrases in the said Article, the two Governments have decided to have recourse to the arbitration of His Excellency Mr. Paul Honoré Vigliani, formerly First President of the "Cour de Cassation," Senator and Minister of State of the kingdom of Italy.

They do not, however, propose that the whole of the above-mentioned line should be submitted to the arbitration.

The boundary to the south of the Zambesi may be considered as divided into three sections :—

1. From the Zambesi as far as 18° 30′ S. lat.
2. From 18° 30′ S. lat. to a point where the Rivers Sabi and Lande, or Lunte, meet.
3. From this point to the River Maputo.

It is not considered necessary to submit to arbitration the line defined in Sections 1 and 3 ; the differences only concern the 2nd section.

The negotiations took place in London. The text of the Treaty was drawn up in English, and initialled by the Marquis of Salisbury, then Minister for Foreign Affairs, and by M. de Soveral, Portuguese Minister. The Treaty having been compared with the copy initialled in London, was signed at Lisbon by Count Valbom, Portuguese Minister for Foreign Affairs, and by Sir George Petre, Her Britannic Majesty's Minister at Lisbon.

That portion of the Article which deals with the second section of the boundary is drawn up in the following terms :—

"From there" (that is to say, from the intersection of the 33rd degree of longitude east of Greenwich and of the parallel 18° 30′ of S. lat.) "it follows in a southerly direction the upper portion of the eastern slope of the Manica plateau as far as the middle of the principal channel of the River Sabi, and follows that channel as far as the point where it meets the Lunte.

"It is understood that in tracing the boundary along the slope of the plateau no portion of territory to the west of the meridian 32° 30′ of long. E. of Greenwich shall be included in the Portuguese sphere, nor any portion of territory to the east of the meridian 33° of long. E. of Greenwich in the British sphere. Nevertheless, should the case arise, the line shall be drawn so as to leave Mutassa in the British sphere and Massi-Kessi in the Portuguese sphere."

The following are the terms, in English and Portuguese :—

. . . "Thence it follows the upper part of the eastern slope of the Manica plateau southwards to the centre of the main channel of the Sabi, follows that channel to its confluence with the Lunte, whence it strikes direct to the north-eastern point of the frontier of the South African Republic, and follows the eastern frontier of the Republic, and the frontier of Swaziland, to the River Maputo.

"It is understood that in tracing the frontier along the slope of the plateau, no territory west of longitude 32° 30′ east of Greenwich shall be comprised in the Portuguese sphere, and no territory east of longitude 33° east of Greenwich shall be comprised in the British sphere. The line shall, however, if necessary,

. . . "D'ahi accompanha a crista da vertente oriental do planalto de Manica na sua direcção sul até à linha media do leito principal do Save, seguindo por elle até á sua confluencia com o Lunde, d'onde corta direito ao extremo nordeste da fronteira da Republica Sul Africana, continuando pelas fronteiras orientaes d'esta Republica, e da Swazilandia até ao Rio Maputo.

"Fica entendido ao traçar 2 frontierá ao longo da crista do planalto, nenhum territorio a oeste do meridiano de 32° 30′ de longitude leste de Greenwich será comprehendido na esphera Portugueza, e que nenhum territorio a leste do meridiano de 33° de longitude leste de Greenwich ficara comprehendido na esphera Britan-

be deflected so as to leave Mutassa in the British sphere, and Massi-Kessi in the Portuguese sphere."

nica. Esta linha soffrera comtudo, sendo necessario, a inflexão bastante para que Mutassa fique na esphera Britannica e Macequece na esphera Portugueza."

In the month of June, 1892, the Commissioners of the two Governments endeavoured to trace the boundary line according to the abovementioned stipulations, but a difference having arisen between them, the settlement was referred to their Governments. Direct negotiations between the Ministry for Foreign Affairs of Lisbon and the Foreign Office have taken place; but all prospect of arriving at an understanding having appeared impossible, the two Governments have decided to have recourse to arbitration.

These diplomatic negotiations and the technical labours of the Commissioners have left the question of demarcation in the following position:

1. As regards the territory comprised between the parallel 18° 30′ and a point situated at a distance of a few miles to the south of the Chimanimani Pass, each Commissioner has proposed a boundary line, and each Government has adopted the line proposed by its Commissioner; whence a difference of opinions has arisen which they have not yet found means of reconciling.

2. As regards the territory comprised between a point situated at a distance of a few miles to the south of the Chimanimani Pass and the parallel 20° 42′ 17″ of S. lat., the British Commissioner and a Delegate of the Portuguese Commissioner, as far as he was authorized, have agreed upon a boundary line, the examination of which by the two Governments has remained unfinished.

3. As regards the territory which extends from the parallel 20° 42′ 17″ of S. lat. as far as the point where the rivers Sabi and Lunte meet, no project of demarcation has been discussed between the two Governments.

In these circumstances, the two Governments have agreed to request the Arbitrator to take into consideration the documents, the reports of the negotiations, and the results of the technical labours, to weigh the arguments of the two Governments based upon their respective opinions, and to decide on the line which shall separate the Portuguese sphere of influence from that of Great Britain from the parallel 18° 30′ to the point of confluence of the Lunte and Sabi.

In faith of which the Undersigned duly authorized by their respective Governments have signed the present Declaration, to which they have affixed the Seals of their Arms.

Done in London, on the 7th January, 1895.

(L.S.) KIMBERLEY.
(L.S.) LUIZ DE SOVERAL.

[See Award of Arbitrator given at Florence, 30th January, 1897, p. 1036.]

No. 313.—*EXCHANGE OF NOTES between the British and Portuguese Governments, defining the Frontiers of their respective Possessions in the neighbourhood of Tongaland. 24th September—5th October*, 1895.*

(1.) *Sir H. MacDonell to Senhor de Soveral.*

M. le Ministre, *Lisbon, 24th September*, 1895.

During the course of the recent discussions with regard to the declaration of a British Protectorate over Tongaland, it was agreed that the adoption of the new frontier between the British and Portuguese possessions in that neighbourhood should be recorded by an exchange of Notes.

In consequence, I have the honour to inform your Excellency that Her Majesty's Government agree that the line described in Article III of the Anglo-Portuguese Treaty of the 11th June, 1891 (**No. 310**), shall be the frontier between the territories of the two Powers, that is to say: Her Majesty's Government recognize as belonging to Portugal territory as far south as a line following the parallel of the confluence of the River Pongolo with the River Maputo to the sea coast.

It is agreed that the above line of demarcation shall be subject to rectification by agreement between the two Powers in accordance with local requirements.

I shall be glad if your Excellency will be so good as to inform me whether the Portuguese Government are, on their part, disposed to give their adhesion to the line in question, and to agree to the date of the 15th October next for addressing a simultaneous Notification to the Parties to the Act of Berlin (**No. 128**) to the effect that the new frontier has been definitely accepted by the two Powers.

I avail, &c.,
H. G. MacDONELL.

(2.) *Senhor de Soveral to Sir H. MacDonell.*

(Translation.)

Foreign Department, Lisbon,
Your Excellency, *5th October*, 1895.

As it was agreed between your Excellency and my predecessor that the adoption of the new frontier between the Portuguese and British Possessions in Amatongaland should be recorded by an Exchange of Notes, I have the honour to inform your Excellency, in reply to your Note of the 24th September, that His Majesty's Government agree that the line described in Article III of the Luso-British Treaty of the 11th June, 1891 (**No. 310**), shall be the frontier between the territories of the two Powers, that is to say: Her

* See description of the frontier, p. 1066, and Exchange of Notes of 29th December, 1898, and 25th January, 1899, p. 1070, accepting the delimitation by the Boundary Commissioners as the definitive settlement of the frontier.

Britannic Majesty's Government recognize as belonging to Portugal the territory as far south as a line following the parallel of the confluence of the Rivers Maputo and Pongolo to the sea.

It is understood that the above-mentioned line of demarcation shall be subject to rectification by agreement between the two Powers in accordance with local requirements.

I have further to inform your Excellency that His Majesty's Government are on their part willing to give their adhesion to the aforesaid line, and to assent to the fixing of the 15th October as the date of the simultaneous Notification to the Signatory Powers of the Act of Berlin (**No. 128**) as regards the definitive acceptance of the new frontier by the two Powers.

I avail, &c.,
LUIZ DE SOVERAL.

NOTIFICATION OF ABOVE TO TREATY POWERS.

(3.) *The Marquess of Salisbury to Her Majesty's Representatives at Courts of the Signatories of the Berlin Act.*

My Lord,
Sir, *Foreign Office, 15th October*, 1895.

I HAVE to request your Excellency to notify to the Government to which you are accredited, under Article XXXIV of the General Act of the Conference of Berlin (**No. 128**), that the districts on the coast of the African Continent hereinafter described have been formally placed under the Protectorate of Her Britannic Majesty, viz. :—

The territory known as Amatongaland, lying between the British Colony of Zululand, the Portuguese possessions, and the Indian Ocean

I am, &c.,
SALISBURY.

No. 314.—*AGREEMENT between Great Britain and Portugal prolonging the "Modus Vivendi" of* 1893, *respecting the Boundaries of their respective Spheres of Influence to the North of the Zambezi. Signed at London, 20th January*, 1896.

No. 1.—*The Marquess of Salisbury to Senhor Machado.*

Sir, *Foreign Office, 20th January*, 1896.

I HAVE the honour to inform you that Her Majesty's Government accept the proposal which has been made by the Government of His Majesty the King of Portugal and the Algarves, that, pending the delimitation of the boundaries of the British and Portuguese spheres of influence north of the Zambesi, the *modus vivendi* of the 31st May (5th June), 1893 (**No. 311**), should be prolonged for the period of two years from the date of its termination, viz., until the 1st July, 1898.

[Spheres of Influence North of the Zambesi (British Central Africa and Portuguese East Africa).]

It is understood that the *modus vivendi* shall cease to operate as soon as the Delegates for defining the boundary under the provisions of Art. IV of the Treaty of the 11th June, 1891 (**No. 310**), shall have completed their task.

I have, &c.,
SALISBURY.

No. 2.—*Senhor Machado to the Marquess of Salisbury.*

(Translation.)

Portuguese Legation, London,
My Lord, *20th January*, 1896.

I HAVE the honour to acknowledge the receipt of your Excellency's note of to-day, informing me that the Government of Her Majesty the Queen of England, Empress of India, accept the proposal made to them by the Government of His Most Faithful Majesty that, while the delimitation of the frontiers of the Portuguese and British spheres of influence to the north of the Zambezi is pending, the *modus vivendi* of the 31st May (5th June), 1893, should be prolonged for a term of two years, counting from the date at which it terminates, that is, until the 1st July, 1898.

I am authorized by the Government of His Most Faithful Majesty to state to your Excellency that they accept the terms of your note, it being understood that the *modus vivendi* shall cease to operate as soon as the Delegates who are to define the boundary, in accordance with the provisions of Art. IV of the Treaty of the 11th June, 1891, shall have completed their task.

I avail, &c.,
CARLOS CYRILLO MACHADO.

Note.—Agreements were signed by the Commissioners for the delimitation of the boundary between the British Central Africa (now Nyasaland) Protectorate and Portuguese territory, July—November, 1899, and December, 1900, and their recommendations were provisionally confirmed by Notes exchanged between the two Governments on the 15th September, 1906 (see **No. 328**).

No. 315.—*AWARD of the Arbitrator between Great Britain and Portugal as regards Questions relative to the Delimitation of their Spheres of Influence in East Africa (Manica Boundary). Florence, 30th January,* 1897.

(Translation.)

We, Paul-Honoré Vigliani, late Chief President of the Court of Cassation of Florence, Minister of State and Senator of the Kingdom of Italy, Arbitrator between Great Britain and Portugal, as regards questions relative to the delimitation of their spheres of influence in East Africa.

Considering the Declaration signed in London on the 7th January, 1895, by Lord Kimberley and M. Luiz de Soveral, which contains the reference to the Arbitrator (" Acte de Compromis "), the tenor of which is as follows (see **No. 312**, p. 1030) :—

After our acceptance of the functions of Arbitrator it was agreed between us and the two Governments—that the Arbitration proceedings should take place at Florence, and that the documents relating to the Arbitration should be drawn up in French.

We then invited each of the two Governments to submit to us a Memorandum setting forth its claim with documents to support it, and a geographical map showing the line of frontier claimed; and we reserved the right to ask them, after the examination of these documents, to send to us Technical Delegates instructed to furnish us with such information and explanations as would be useful for a thorough comprehension of the facts and localities connected with the questions to be decided.

For the drawing up of the reports of the proceedings, and other work connected with the Arbitration, we appointed as our Secretary the Marquis Alexandre Corsi, Professor of International Law at the University of Pisa.

After examination of the case presented by the Government of Great Britain on the 16th March, 1896, together with five maps, of which the one marked D shows the line of frontier claimed by Great Britain.

The conclusions of this Case are as follows :—

As regards the first section of the boundary in dispute—

1. That the watershed between the basin of the Sabi on the one side, and those of the Pungwe and the Busi on the other, proposed as the boundary by M. du Bocage, was definitely rejected during the negotiations which preceded the conclusion of the Convention.

2. That a large addition of territory was assigned to Portugal north of the Zambezi, in return for the abandonment by her of the claim to the watershed.

3. That the plateau mentioned in Art. II of the Anglo-Portuguese Convention* actually exists much as it is shown on maps published prior to the conclusion of that Convention, though its eastern escarpment is in places less sharply defined than it was then supposed to be.

* Of 11th June, 1891, p. 1018.

4. That the British claim leaves the plateau, as was intended, within the British sphere, and the whole of the slope connecting it with the plain within the Portuguese sphere.

5. That the line of the British claim, following the upper edge of the plateau, and drawn across the mouths of the ravines, is in accordance with the text of the Convention, and is exactly coincident with that in the minds of the British and Portuguese negotiators.

6. That the deflection round Massi-Kessi of the line of the British claim amply meets the requirements of the case.

As regards the second section of the boundary—

7. That the line agreed to by Major Leverson and Captain d'Andrade is the line that should be adopted.

As regards the third section of the boundary—

8. That till the Sabi is reached, the boundary must run southwards between the limits 32° 30′ and 33° of longitude east of Greenwich.

9. That it is immaterial, as regards compliance with the text and spirit of the Convention, whether the boundary follows the Sabi up or down stream, that river merely serving as a connecting link by means of which to reach its confluence with the Lunte, which had been selected as a fixed point, whence the line was to be carried to the north-eastern corner of the South African Republic.

After examination, also, of the Case presented on the 10th June, 1896, in the name of the Portuguese Government, with a volume of the White Book and three maps, of which the one marked C shows the line claimed.

The conclusions of this Case are as follows :—

1. That the frontier from latitude 18° 30′ south to the defile of Chimanimani, should follow the line proposed by the Portuguese Commissioner;

2. That southwards from Chimanimani to Mapunguana the frontier may follow the line proposed by the British Commissioner, and accepted by the Portuguese Technical Delegate, Freire d'Andrade ;

3. That between Mapunguana and latitude about 20° 30′ south, the project of delimitation agreed to between the British Commissioner and the Portuguese Delegate should be rectified, the frontier to run from Mapunguana by Mount Xerinda towards the mountain situated on the above-mentioned parallel between the basins of the Zona and the Chinica ;

4. That as the plateau does not exist south of latitude 20° 30′ south, it appears just and reasonable that from this parallel the frontier should run to the Save by Mounts Mero and Zunone and the River Lacati, following after this the course of the Save to its junction with the Lunde.

At our invitation the two Governments sent to Florence, and placed at our disposal their Delegates, viz. : Major Julian John Leverson, on the part of Great Britain ; his Excellency the Councillor Antonio Ennes, and Captain Alfred Freire d'Andrade, for Portugal.

The Delegates of the two Governments after having, on the 16th

and 18th June, been made acquainted reciprocally with the Cases and the maps having reference to them, laid before us fully, in a series of meetings which took place in our presence, and of which Minutes were drawn up, the circumstances and arguments in support of the claims of their respective Governments; and in their discussions they furnished us with the most careful and detailed information and explanations which we deemed it useful to ask them, as to the doubts and difficulties which the nature and unexpected configuration of the mountainous and irregular plateau of Manica place in the way of an exact and literal application of the text of Art. II of the Convention of the 11th June, 1891, to the territory to be delimited.

In the course of these discussions there were presented to us on the 9th July, 1896, " Observations on the British Case " by M. Ennes and Captain d'Andrade, and " Notes on the Portuguese Case," by Major Leverson, and, further, " Observations on the British Counter-Case," by Captain d'Andrade, as well as some replies in manuscript submitted by one side, and, by the other, illustrative maps and sections prepared before the close of the meetings by Captain d'Andrade, also a topographical map submitted on the 14th July by Major Leverson, modifying two small parts of the first section of the frontier claimed by his Government.

Lastly, after the conclusion of the meetings, on the 17th August, Major Leverson submitted to us his " Final Observations," and M. Freire d'Andrade caused to be transmitted to us on the 21st August, 1896, his " Conclusions." All printed documents were communicated by our Secretary to each of the Delegates, the exchange of each one from one party to the other, being as far as possible contemporaneous. The manuscripts and maps were, at the same time, placed at their disposal.

I.—*Preliminary Questions.*

During the study of the documents, and during the discussions, certain preliminary questions presented themselves in the first place to our examination. They have reference to the text of the Treaty of the 11th June, 1891.

It is pointed out in the Joint Memorandum (" Acte de Compromis ") that the Treaty was originally drawn up in English and initialled on the 14th May, 1891, by the Marquess of Salisbury, Secretary of State for Foreign Affairs of Great Britain, and M. Luiz de Soveral, Portuguese Minister Plenipotentiary in London; that after this the Portuguese text having been compared with the English text initialled in London, the double English and Portuguese text was signed at Lisbon by Count de Valbom, Minister for Foreign Affairs in Portugal, and Sir George Petre, Her Britannic Majesty's Minister at Lisbon, on the 11th June, 1891.

These circumstances are confirmed in the Cases of the two Governments. (*Vide* Part I of the English Case, and the Portuguese Case, p. 43.) It has nowhere been declared which of the two texts, the English or the Portuguese, should be considered the original of the Treaty.

It results therefrom that each of the two texts contained in the Protocol signed at Lisbon on the 11th June, 1891, may aspire to the honour of being considered the original, whilst the English text initialled in London constitutes properly the first Minute. In any case there can be no doubt that each of the two should serve equally for the interpretation of the Treaty.

To the double text of the original there has been added in the Joint Memorandum (" Acte de Compromis ") a French version of Art. II of the Treaty, the use of this language having been agreed to for the arbitration proceedings. But as following this French translation the double English and Portuguese text has been reproduced therein, it is to be imagined that the High Contracting Parties considered this version as being in all respects equivalent to the double text of the original.

Nevertheless, the use of two languages in the drawing up of the document could easily cause, as actually happened, namely, in the scientific world at Lisbon, doubts and differences of opinion in its interpretation, and this has been one of the principal causes of the necessity for recourse to arbitration (British Case, para. 1).

The principal questions were: (1) What was the meaning of the expression " plateau de Manica ? " (2) What was the signification of the words: " la partie supérieure du versant oriental " (" the upper part of the eastern slope—a crista da vertente oriental ") ? (3) What was understood by the word " plateau " as used in opposition to the words " pente " or " versant " ? (4) If these last words " pente " and " versant " were used as synonymous, what is the surface (*table, terrace, or esplanade*) of the plateau properly so called; what is the *pente* or *versant* [slope], and what is the *bord* or *escarpement* [edge] ? (5) Is the expression " vers le sud " in the French version equivalent to " southwards " in the English text and to " na direcçao sul " in the Portuguese text, and do these three expressions signify a direction due south, or simply *towards the south*, between the east and the west ? (6) Lastly, does the expression " follows the channel " (of the Save) signify indifferently follows that river down or up stream, or does it necessarily signify *follows down stream* ?

All these doubts, and the discussions of which they were the subject, were brought before the Arbitrator by means of the Cases of the two Parties, and in the discussions of their Delegates. But it may happily be affirmed that after loyal explanations these doubts have now lost all importance.

In fact, the Parties have been led by their declarations to recognize that by the expression " plateau of Manica " the negotiators of the Convention of 1891, putting aside the much more restricted definition of geographers, were of one opinion, and had clearly the intention to include not only the administrative district of Manica, bounded by the Rivers Munene and Sucuwa, but all the territory which extends south of the Zambezi from latitude 18° 30′ to the confluence of the Save with the Lunte, that is to say, the whole region, the delimitation of which was traced out by the Anglo-Portuguese Commission, and which forms the subject of discussion before the Arbitrator.

It is in reality to the whole extent of this territory, formed by a series of highlands connected with the ancient plateau of Manica, that the geographical maps published in the two countries interested, at the time when the Treaty was drawn up, applied the designation " plateau " of Manica, in reference both to the text of Art. II and to the intentions of the negotiators.

The Portuguese Government, in its Case (p. 70), with a loyalty which does honour to it, has made the following declaration :—

" It is thus incontestable that the Portuguese negotiator had admitted that the plateau did not terminate at latitude 19°, and if his proposal of the 19th April had not proved this with sufficient evidence, the demonstration would have been completed by the telegraphic instructions which he transmitted subsequently to the Minister in London, and which are published in the White Book of 1891, p. 196, document No. 200. This document alone settles the question. ' As a last attempt,' said M. du Bocage, ' it would be well to propose to divide the plateau by latitude 20°, leaving to us the southern portion.' What was this *plateau* which reached latitude 20° and extended even beyond it to the south ? Evidently it was that of Manica, as there never was any question of any other during the course of the negotiations."

This frank declaration, which is strengthened in the Portuguese Memorandum by other observations and deductions of great value, leaves no doubt that the plateau of Manica to which the Treaty of 1891 refers is not at all merely the small country of Manica of ancient geographers, but that it includes all the high ground between latitude 18° 30′ and the confluence of the Save with the Lunte ; that is to say, all the ancient kingdom or plateau of Manica, together with the *plateau covered with grass*, and the other 2,000 *to* 4,000 *feet above the level of the sea* (? [*sic*], but the actual words on the map are : *Plateau between* 3,000 *and* 4,000.—Tr.) which are to be seen in continuation of the plateau of Manica on Mr. Maund's Map, which was certainly under the eyes of the negotiators (British Case, para. 20).

As to the true signification of the expression " Partie supérieure " (" the upper part "—" a crista ") of the eastern slope, the Parties came easily to the agreement that in the Treaty it can have no other meaning than that of the *line* along which, and generally in a well-defined manner, the plateau commences to descend towards the plain ; or, in fact, it is the *upper edge* which separates the table (or surface) from the slope of the plateau, and not the upper portion of the slope of the plateau situated above the line of its mean altitude. It is precisely along this line or edge that the frontier is to be traced (British Case, para. 21, and Notes of the British Delegate, para. 19—Portuguese Case, pp. 71, 72, and 73). The words " il suit " (" it follows "—" accompanha ") would lose their proper signification if, instead of referring to a line which is to be followed as much as possible, they referred to a zone susceptible in its turn of being delimited by other boundaries.

This interpretation, which is certainly in conformity with the

spirit of the Convention, renders the two texts identical, and causes to disappear all difference between the expressions "upper part" and "crista" of the slope. They cannot express, and do not, in fact, express, anything but a line, and this line could not be any but that which separates the table from the slope ("pente ou versant") of the plateau.

The disputes as to the signification of the words "plateau," "terrace," or "esplanade of the plateau—and edge or escarpment" of the plateau—were brought to an end by the definitions which were adopted, and were accepted by both Parties.

Thus, the Portuguese Delegate, Captain d'Andrade, gave us an exact and complete definition, applicable in general to all plateaux, in the following terms: "A vast extent of ground which dominates in a manner clearly defined on one or more sides the regions which surround it, and which is connected with these regions by slopes, the inclination of which is greater than that of the plateau itself." A similar definition has been proposed by the British Delegate in the British Case (para. 37), on the authority of the illustrious geographer, M. Élysée Réclus, and other very distinguished writers on this subject are not at variance with it.

It is therefore not necessary, according to modern geography, that the surface of a plateau should be an even and regular plain, as its name would appear to imply; but it may be, and even is very often, uneven, irregular, broken, covered with mountains, peaks, and hills, crossed by valleys, cut up by deep ravines, furrowed by rivers and streams, of which some have no exit from its surface or table, whilst others flow down its slopes and are of necessity cut by the edges of the slopes themselves.

Such is the configuration of the so-called plateau of Manica. It is known as one of the most irregular and most mountainous. M. Réclus adopting the description of the engineer Kuss, who has recently explored this region, and to whom the Cases of both Parties refer, informs us that it is a *group of mountains* having the appearance of a plateau (E. Réclus, "La Terre," Paris 1888, vol. xiii, pp. 618 and 619).

Every plateau has its *table* or *esplanade* and its *slope* ("*pente* ou *versant*").

There is an agreement to call *table* or esplanade, all the ground which, though inclined and uneven on account of the existence of mountains or hills, maintains a pretty constant and uniform elevation above the level of the surrounding country, and where the waters flow more or less rapidly on the more or less inclined surface, in their natural direction ending their course there sometimes by forming lakes, but more frequently discharging themselves over the slopes.

It is agreed to consider the *pente* ou *versant* (*slope*) of the plateau (these two words having been used synonymously) all the steep sloping ground which connects the table of the plateau with the adjacent plain. As the plateau, according to its most correct definition, can slope to one side or the other, it is evident that a mere inclination is not sufficient to determine the commencement of the slope; it must be well marked and general.

The line which separates the *table* of the plateau from its slope, that is to say, that which marks the extremity of the table and the commencement of the slope ("pente ou versant") is given the name of "edge" or "crest of the slope." Taken in this sense "la partie supérieure du versant," of which mention is made in Art. II of the Treaty, is synonymous with the expressions "upper part of the slope" and "crista da vertente."

The English expression "southwards" which one finds in the same Article, is not to be understood as meaning due south, but should be taken in a broader sense as in the *direction of the southern side* or *pretty nearly towards the south.* In this sense it is accepted by the two Parties, and is perfectly adapted to the Article above mentioned; according to which the frontier from latitude 18° 30′ to the Sabi, confined between longitude 32° 30′ and 33°, and having to follow the sinuous inflexions of the eastern edge of the plateau, cannot run in a straight line to the south, but has to bend sometimes to the south-east at others to the south-west. (*Vide* Portuguese Case, p. 82, and Leverson's Notes, No. 31.)

As to the last question, whether when in a conversation on delimitation one says: *follow a waterway*, it must necessarily mean *follow down stream*, as the two Parties continue to disagree, we reserve the solution for the latter part of our award.

Having thus eliminated the question which we qualified as preliminary, we will now proceed to examine the two lines of frontier claimed by the Parties.

II.—*General Conditions with reference to the Frontier according to Art. II of the Treaty.*

We must begin by acknowledging the rules laid down by the Convention of the 11th June, 1891, for the delimitation of Manica.

Art. II of this Convention lays down that:—the frontier on leaving the intersection of longitude 33° east of Greenwich by the parallel of latitude 18° 30′—

(*a*) Follows southwards the upper part of the eastern slope of the plateau of Manica;

(*b*) As far as the centre of the principal channel of the Sabi;

(*c*) Then follows this channel to the point where it meets the Lunde;

(*d*) In tracing the frontier along the slope of the plateau no territory west of longitude 32° 30′ east of Greenwich shall be included in the Portuguese sphere, nor any territory east of longitude 33° east of Greenwich in the British sphere;

(*e*) If necessary the line shall be deflected so as to leave Mutassa in the British sphere and Massi-Kessi in the Portuguese sphere.

The final result of the delimitation should be that the whole of the *plateau*, that is to say, the table or esplanade should be adjudged to Great Britain, and all the slope ("la *pente* ou le versant oriental") should be reserved to Portugal.

This fundamental rule is not written in the Treaty; but it has been

admitted by those who drew it up as a natural consequence, and as an essential and necessary condition, as the Marquess of Salisbury declared in a clear and characteristic formula in his reply to M. de Soveral on the 22nd April, 1891 : " The plateau for us " (Great Britain) " and the slope for you " (Portugal).

This reply was transmitted by M. de Soveral in his despatch of the 22nd April to his Government, which acknowledged it (*vide* Portuguese White Book of 1891, p. 188), and which not only did not protest against this proposition, but did not suggest any expressions to prove that it had other intentions.

Besides the Geographical Society of Lisbon, having some time afterwards raised doubts with reference to this, Privy Councillor Ennes, Portuguese Commissioner for the settlement of questions relative to the Convention, undertook to dissipate them by declaring in a letter which he addressed on the 25th January, 1894, to the President of the Society (*vide* British Case, para. 19) that : " the idea was to partition Manicaland so that the plateau, or to be more precise, the esplanade, should remain in the British sphere, whilst the slope should be in the Portuguese sphere."

There therefore remains no doubt that the formula " the plateau for Great Britain and the slope for Portugal " has been clearly admitted as a guiding rule for the delimitation of Manicaland according to the Treaty of 1891.

Now, we shall see how these rules have been applied and interpreted by the two Governments.

What we have said of the mountainous and irregular configuration of the high mass to which the name of plateau of Manica has been given, and the circumstance that the persons who arranged its delimitation from London and Lisbon could only have a very vague and imperfect knowledge of it, are sufficient to explain the serious differences of opinion which arose when it came to the point of applying Art. II of the Treaty to ground, which presented at every moment surprises, unknown features, and topographical conditions far removed from what was expected and supposed, both by the authors of the Treaty and the Delimitation Commission.

The greatest spirit of conciliation would barely have sufficed to overcome all the causes of disagreement. This good spirit, it must be confessed, was not altogether wanting ; and its effects may be seen in the part, and not a small one either, of the line of demarcation about which an agreement was arrived at between Major Leverson and Captain Freire d'Andrade. The difference of opinion, however, notwithstanding lengthy negotiations, remains as regards the first and most important part of the frontier, as well as regards other portions.

In order to settle all the points connected with the questions which have arisen, we propose to follow the order adopted in the joint Note of Reference (" Acte de Compromis "). We will therefore divide the line submitted to our arbitration into three sections, viz. :—

1. From the intersection of latitude 18° 30′ south by longitude 33° east of Greenwich to which a point situated on this meridian at a distance

of a few miles south of the defile of Chimanimani. In this section each Government has adopted the line proposed by its Commissioner during the work of delimitation, and claims it before the Arbitrator.

2. From the southern extremity of the first section to the point where the edge of the slope of the plateau cuts longitude 32° 30′ east of Greenwich. This section having been agreed to by the Commissioners of the two Governments, Great Britain asks that it should be adopted in its entirety. Portugal accepts the line agreed to in part only; for the remainder she proposes another line.

3. From the point at which the second section ends to the confluence of the rivers Save and Lunde. As regards this third section no proposal for delimitation having been discussed between the Parties, Great Britain in its Memorandum claims a line which would run southwards to the centre of the main channel of the Save, and would then follow this channel up-stream to its confluence with the Lunde. The direction in which the line should be drawn is left to the decision of the Arbitrator, but in no case must it extend to the west beyond longitude 32° 30′ and to the east beyond longitude 33°. Portugal refuses this line, and claims for special reasons another, which, departing from the rules established by the Treaty, would run westwards to the Save.

No geographical map was annexed to the Treaty nor to the Joint Memorandum, and in our opinion there is none which can be adopted as a sure and complete proof of the intentions of the negotiators of the Treaty.

Not even can the map published by Mr. Maund in the "Proceedings of the Royal Geographical Society," and submitted by England, lettered A, and which forms the object of the third English conclusion, be considered as a map which was recognized as being accurate, especially as regards its details, during the negotiations.

Lastly, during the arbitration proceedings no map was produced which was recognized as entirely accurate by both Parties. They discussed much about the importance and accuracy of their maps, but unfortunately these discussions did not lead to any decided conclusion as to the value to be given to one of these maps more than to the other as regards the various features of the frontier.

It is an inconvenience much to be regretted, for in the absence of a solid and constant basis for discussion we are obliged to follow minutely the two Parties through the arguments which they brought forward, and to seek section by section the intentions of the negotiators to make these arguments fit in with the text of the Treaty and the facts established by the examination and comparison which we have made of these different maps, and by the impartial observations of a third expert.

III.—*First Section of the Frontier.*

In undertaking the examination of the lines claimed by the High Contracting Parties in the first section, we observe, first, that in this section (which is the most important and the most contested, on account of the value attached to the territory), the two Governments not having

succeeded in coming to an agreement, either during or after the work done by the Delimitation Commissioners, now claim lines quite distinct and very distant from each other.

In fact, Great Britain claims a line which, according to a definition given by the British Commissioner in a first Memorandum, dated the 29th April, 1893 (*vide* Portuguese Case, p. 38), " is in parts the crest-line of mountains, in others a line joining the summits of the eastern peaks of the ranges which run out eastwards from the main watershed," and more particularly as regards the district between Mount Vumba and the Mabata mountains, the British Commissioner declares that his frontier " is a line running nearly due south, and joining the well-defined eastern edges of the mountainous spurs which project in an easterly direction." (*Vide* Minutes of the meeting held on the 27th June, 1892, reproduced in the Portuguese Case, p. 22.)

The principal mountains attained by the British line after leaving latitude 18° 30′ are Panga, Gorongue, Shuara, Vengo, Saddle Hill, Vumba, a peak north of the River Mazongue (2,350 feet), another peak on the Mussapa River (5,100 feet), and the col of Chimanimani. All these points of different altitudes are connected by straight lines, which the British Commissioner justifies by the observation that straight lines between well-defined natural points form, in his opinion, a good practical frontier.

The Portuguese Commissioner objects to this line—

1. That it is not a natural line, that it does not follow any edge marked on the ground, that is all artificial, drawn on the map with a ruler, and not in accordance with the nature of the plateau.

2. That it does not reach the highest points of the mountains where it passes them, that it crosses the edges of the spurs which project towards the east rather than the general mass of the plateau, and that, in consequence, it crosses the eastern slope.

3. That in drawing straight lines which connect the chains and spurs of the mountains or the peaks, many watercourses, mouths of ravines, and broad and deep valleys like that of the Inhamucarara are cut, and also that it is not continuous, as it projects often on to the slope, and descends sometimes to low ground, notably between Vumba and Chimanimani.

4. That such a line cannot be in accordance with Art. II of the Treaty, which requires a natural line traced along the upper part or edge of the slope of the plateau.

5. That a straight line may be in the abstract, and as a general rule, a good frontier, but that it is not admissible in a case in which another direction has been laid down in a Convention.

6. Lastly, that the deflection which the line makes to include Massi-Kessi in the Portuguese sphere does not leave round this village, as it should in accordance with the spirit of the Convention, an extent of territory sufficient for the development of its commercial and industrial life, as well as for its military defence.

After these objections had been made, the British Delegate, in a map which he submitted at the meeting of the 14th July, bearing his

signature of that date, introduced into his line two small modifications, one of which changes the point of departure from latitude 18° 30′, from which it ascends to a peak on the northern spur of Mount Panga, and the other does away with a detour towards Shiromiro between Mount Shuara and Mount Vengo, which did not appear justifiable.

The Portuguese line follows quite a different direction. It is traced along the crest of the high mountains which form the watershed between the basin of the Save, and the basins of the Pungwe and the Busi, and starting from Mount Samanga, it follows the watershed to Chimanimani. The Portuguese Commissioner maintains that this line coincides with the edge of the eastern slope of the plateau; the table or esplanade would thus remain to the west of, and the slope to the east of the watershed.

He points out, besides, that the frontier claimed by Portugal passes through the highest points of the plateau without descending into the valleys, or cutting them or their rivers; that east of this line the ground falls, and numerous watercourses run from it towards the plain with a rapidity which is in some cases torrential; that it is precisely the declivity of the ground and the direction of the rivers, which determine the commencement of the incline, and the edge of the slope.

Great Britain objects to the watershed line for the following reasons:—

1. It has the fault of confounding the most elevated crest line of the plateau with the edge of its slope, and supposes that one cannot find the edge till one reaches the summit of its highest chains of mountains; whilst all the mountain chains of Manica, whether turned towards the east or towards the west, form part of the mountainous plateau.

2. The country immediately east of the line of watershed being composed of mountain chains, and being furrowed by rivers and deep valleys, in accordance with the nature of a mountainous plateau, does not represent a slope, of which it has not the characteristics. It is true that more or less rapid streams flow through it; but the great irregularity and inequality of the table of the plateau suffice to explain the more or less rapid flow of its rivers, and to prove that they traverse the table or surface of the plateau before reaching its edge, which necessarily cuts them. Also, as it is here a question of a mountainous table it can easily be conceived that it should have a certain inclination before reaching the beginning of its slope, which would be recognized by having a well-defined and general fall.

3. What is more essential is that the watershed as frontier is in no way in conformity with the text of the Convention, which makes no mention of it, even indirectly. The silence of the Convention on so important a point is of the greatest value; for it must be remembered that a watershed is such a very usual frontier-line, and so excellent a one in a mountainous country, that if the High Contracting Parties had wished to adopt it, they would have made explicit mention of it, as they have done in Art. I of the same Convention, in which the watershed is mentioned as the frontier in certain parts north of the Zambezi.

But there is more than the silence of the Convention; there is a

formal refusal by Great Britain. During the course of the negotiations the watershed was proposed as the frontier-line in the draft which M. du Bocage, Minister of Portugal, submitted on the 19th April, 1891; and it was refused by the Marquess of Salisbury, the British Minister, who insisted on his draft of the 3rd of that month, which contained the proposal of the edge of the eastern slope as the frontier-line. This refusal suffices to exclude the possibility that the Marquess of Salisbury, at the time of the conclusion of the Treaty, considered the watershed and the 33rd meridian as identic. For between the two lines (no matter what may have been the idea expressed by mistake in Lord Salisbury's despatch of the 4th February, 1891) there exists a distance of several miles.

So that Portugal invokes to no purpose the expressions contained in that document, and all the more so because she rejected the proposal to follow approximately the 33rd degree of east longitude, which was the principal object of the conversation reported in the above-mentioned despatch of the 4th February.

Besides this, it is to be observed that it was on purpose to assure to Great Britain the strip of territory between the watershed and the line of the edge of the eastern slope, that Lord Salisbury increased from 18,000 to 60,000 square kilom. the compensation or rectification north of the Zambezi offered to Portugal, which she accepted (British Case, para. 17).

4. If one agrees with Portugal that the whole portion of the plateau of Manica situated east of the watershed is an *eastern* slope, the portion situated west of this watershed could, with equal reason, be called the *western* slope, seeing that the watershed cuts in two the mountainous table which stretches as well to the west as to the east. From this there would result the absurd consequence that the plateau of Manica would have no table, as it would be entirely absorbed by its two slopes.

Portugal always based its defence on the existence of a great stretch of territory west of the watershed, referring to its maps, which show the River Odzi in the strait ("détroit") of Umtali (Mutari Port) at a distance of 40 kilom. from that town. But during the course of the discussions Major Leverson proved, and Captain d'Andrade was unable to dispute, that the Odzi is only separated from Umtali by a distance of about 15 kilom. (Major Leverson's Final Observations, Note to No. 7.)

The extent of the plateau west of the line of the watershed is therefore not so very considerable, and this line is only a central crest of the plateau, the table of which necessarily stretches out on both sides, to the east as well as to the west.

IV.—*Examination of the Report of the Third Expert.*

In presence of such a difference of opinion as to the meaning and exactitude of the maps submitted by the two Parties—in view of the arguments of an essentially technical character which they deduced

from them—all our efforts to render possible an amicable settlement having proved ineffectual—in order to reassure our conscience, we recognized the extreme propriety of having recourse, with the consent of the two Parties, to the opinion of an expert, specially qualified in questions of geography and topography.

For this purpose we addressed ourselves to the Management of the Military Geographical Institute of Italy situated at Florence, and following the advice given to us, appointed as expert the Chevalier Raphael Vinaj, Major of the General Staff and Chief of the Topographical Division of the above-mentioned Institute. We communicated to him all the documents and maps which had been presented in the name of the two Parties, as well as the Minutes of the meetings, and we submitted to him the following questions :—

What is, from the intersection of latitude 18° 30′ by longitude 33° east of Greenwich to the col of Chimanimani, the frontier line which follows the upper part of the eastern slope of the plateau of Manica according to Art. II of the Treaty of Delimitation of the 11th June, 1891 ? Is it altogether, or in part, the line drawn on the map D of the British Government ? Is it entirely, or in part, the line drawn on the map C of the Portuguese Government ? Is it altogether, or in part, some other line ?

In the last case, what is the line, which, with reference to the maps mentioned, should be drawn so as to be in conformity with Art. II of the Treaty of the 11th June, 1891 ?

In submitting these questions, in our letter of the 10th October, 1896, we invited him to bear in mind the following :—

(1) That the watershed having been proposed by Portugal and refused by Great Britain during the negotiations, and not having been admitted in the text of the Treaty, could not be approved as the frontier-line agreed to between the High Contracting Parties, except in so far as it should be found to coincide with the upper part of the eastern slope, and the other provisions of Art. II of the Treaty.

(2) That from the documents exchanged during the negotiations it appears that the High Contracting Parties had agreed that the delimitation should be carried out in such a manner as, according to the expression used by Lord Salisbury, to leave the plateau to Great Britain and the slope to Portugal.

The expert having carefully completed his task, submitted to us a Report, dated the 19th December, 1896, which proved to us how well founded were the doubts, which we had conceived, as to the justice of each of the lines claimed, as regards the text of the Treaty and the avowed intentions of the Parties.

We consider it right to give it in some detail, in order that the conclusions may be understood.

After having examined with the greatest diligence the various characteristics of plateaux, upper and lower slopes (called by geographers *reclining or upright "couchés ou debout"*), and their escarpments, and the various acceptations of these words in science, in the practical study of localities, and in the documents submitted for arbitra-

tion, Major Vinaj lays down as the basis of his decision the following four postulates or geographical principles :—

(1) The upper part, *or table* of a plateau, as it is accepted in the largest sense of the word by modern geographers, can be the more irregular the more extensive it is, that is to say, that it may include peaks, mountains, and mountain chains, and that it may be furrowed by valleys and even by deep ravines.

(2) The division between the upper part *or table* of a plateau and its slopes (taken in the sense of the surfaces which unite the plateau to the low-lying region, that is to say, that part of the general slope which is distinguished by the name of " upright slope " or " versant debout ") can in general be formed by a line (an edge or crest more or less well marked), beyond which the ground falls more rapidly and in a well-defined manner towards the lower region.

(3) The continuity of this line may be broken by valleys or ravines which are the prolongation of those which furrow the plateau, and produce real notches.

(4) The surface which forms the slope is not necessarily always even and regular, but may also be composed of various formations, by chains at angles to the longitudinal run of the edge of the plateau, or by valleys and chains parallel to it, which grow gradually lower, and this variety of regular and irregular slopes may be found in one and the same plateau, especially if it is of considerable extent.

Then Major Vinaj, proceeding to examine the questions submitted to him, adopts, as regards the first question, the conclusions, which he says are identical, of the two Commissioners, according to which the frontier should follow the line which constitutes the edge or crest which defines the separation of the table of the plateau from its eastern slope.

It is in the search for this line of separation that the disagreement between the two Commissioners shows itself. It therefore becomes necessary to examine bit by bit the two lines claimed. The reasons which justify this opinion having been developed and discussed at length by the Commissioners in their written productions, and orally at the meetings, he confines himself to summing up those which he considers of most importance.

As regards the modified British line, he remarks that, with the exception of the first portion from 18° 30′ to Mount Venga, and the last portion close to Chimanimani, it is almost an artificial line, which is only justified by the preference which the British Commissioner gives to straight lines between well-defined natural points.

But this preference not having been sanctioned by an agreement, which would have been permissible under Art. VII of the Treaty, it is necessary to confine one's self to investigating whether it is in conformity with Art. II. And he is of opinion that it is not so, because it does not follow any natural topographical feature, such as the edge of the slope ; but that, connecting by straight lines points which project, sometimes considerably, on to the surface which sinks and forms the slope, it often cuts the latter, and descends even occasionally

to the region which may be described as that of the lowlands below the plateau. He deduces therefrom that the British line between Mount Venga and the height marked 5,100 feet on the left bank of the Little Mussapa (Map D) is not in conformity with Art. II of the Treaty.

As regards the Portuguese line, the expert remarks that it follows throughout, except in the modified northern portion (*vide* Minutes of the meetings of the 13th and 14th July), the crest of the chain which forms the real watershed of the region of this section. As a rule, the edge of a plateau does not coincide with the watershed, as would appear even from the definition of a plateau given by Captain d'Andrade (*vide* section 1, " Preliminary Questions "), except in cases where from the watershed the ground falls in a marked and almost uniform manner, or falls gradually, even with short detached spurs, or with parallel chains and valleys, towards the low ground.

Now these conditions, after a careful examination of the maps and surveys both English and Portuguese, are only realized in two places, viz., around the basin in which Massi-Kessi is situated, and between Inyamatumba and a point situated due west of Mount Guzane (Portuguese Map) on the left bank of the Little Mussapa.

The watershed chain, which is highest, especially in the southern portion, includes almost everywhere the most pronounced elevations of the country, and except in the two places above mentioned, is surrounded, not only to the west, but also the east, by a district remarkably elevated, especially in its northern portion above Mount Venga, in which in reality are found the highest summits.

The claim to trace the delimitation, for the whole length of this section, exactly along the crest of the watershed, does not appear to be in conformity with the definition of the plateau and of the slope given by Captain d'Andrade, because one would come to consider as slope all the ground inclined towards one direction ; whilst according to this definition the table of the plateau may be inclined, and the edge of its slope not commence till the point where the inclination of the ground becomes well marked and general.

And one cannot maintain that this crest coincides, throughout the section, with the edge of the eastern slope ; because along the greater portion of it, immediately beyond the crest, there is also to the east a gentle slope, which at a certain point in its fall becomes much steeper (Mount Vumba—Inyamatumba), and which constitutes, therefore, what Colonel de la Noe (" Les Formes du Terrain," Paris, 1888) has called the *upright* (" *debout* ") or lower slope, in opposition to the *reclining* (" *couché* ") or upper slope, which still forms part of the table of the plateau.

Therefore, neither is the Portuguese line in its entirety in accordance with Art. II of the Treaty.

Thus, having reached the examination of the last question, the expert, with the assistance of a series of sections at intervals of 2′ 30″ drawn as carefully as possible from the maps, and with the remark that certain elements necessary for this kind of work were wanting, shows that the line which is in conformity with the Treaty is in part different

from either of the lines claimed by the two Governments. He divides it into four parts, and traces it as follows :—

1*st Part.*—Starting from latitude 18° 30′ south, near the confluence of the Garura and the Honde, which corresponds with the narrow gorge between Mount Mahemasemika and the northern spur of Panga on the British Map, and immediately below the point marked 760 metres a little above the said parallel on the Portuguese Map, the line ascends to the summit of the above-mentioned spur to Panga. Then, on the British Map, it runs to the south-east (point marked 3,890 feet) and crosses the River Inhamucarara to the height marked 6,740 feet north of Gorongoe, whilst according to the Portuguese Map it runs from Panga to the south-east (point marked 1,257 metres) and crosses the Inhamucarara to the height north of Gorangoe (1,810 metres). Thence it follows the crest of Gorongoe by Mount Shuara (5,540 feet British Map) to Mount Venga or Vengo (British and Portuguese Maps).

This part of the section may be justified by observing that the basin of the Honde from its sources to the gorge well defined by the spur of Mahemasemika on the north, and that of Panga on the south, forms part of the plateau, because its general altitude is very considerable, and it is inclosed by an extensive and elevated country which evidently forms part of the plateau. The gorge whence the Honde issues must be considered as a true notch in the edge of the plateau, after which the slope descends by an almost uniform gradient to the region of the River Pungwe.

Descending to the east from the Portuguese line there is no general slope, but the ground after a certain fall ascends again towards the very elevated region of Panga and Gorongoe. Thus it is only beyond this last mountain that the true eastern slope of the plateau commences with a pretty steep inclination.

The mountain masses Pungwa-Panga and Venga-Shuara-Gorongoe cannot be looked upon as parallel chains forming an integral part of the eastern slope, because their elevation and importance, as well as the general elevation of the lands and valleys which they inclose, show evidently that they still belong to the surface of the plateau.

And in fact the upper valley of the Inhamucarara, inclosed by these two chains, cannot be considered as a water-course of the eastern slope, because, independently of its general elevation, owing to its narrow and little practicable bed, it has altogether the appearance of a true and deep notch in the table of the plateau; and its direction north-north-east is very different from the eastern direction of the slope.

The objection that this line starts from a very low point on latitude 18° 30′, and that this point at first sight does not appear to be situated on the edge or crest one is in search of, is of no weight, because it happens by chance that latitude 18° 30′ corresponds exactly with one of the deepest notches which causes the edge to be non-continuous.

2*nd Part.*—Leaving Mount Venga it follows the crest which runs towards the west-north-west, and towards the point marked 6,200 feet on Gomoriyangani (British Map), or to the east of the point marked 1,620 metres on Mabonde (Portuguese Map). Thence, on the British

Map, it follows the line coloured blue, which, following the crest of the above-mentioned Gomoriyangani, reaches Mount Snuta (5,570 feet), Mount Chenadombue (4,700 feet), and the height marked 4,510 feet, and the sources of the Menini, where the col is marked 3,750, by which the road called by the name of "Selous Road" passes; whilst on the Portuguese Map it follows the crest of Mabonde, reaches Mugudo, Lapulare (1,600 metres), Chitumbo (1,530 metres), and passes to the east of Bumbuli, to the point where the spur of Ihamazire projects towards the west. From this point describing the arc of a circle with its concavity nearly towards the north-east, it joins the spur which runs towards Mount Vumba (or Serra Chitumba on the Portuguese Map), cutting the upper valley of the Munene or Menini.

The justification of this part of the line is as follows: It circles round the region of Massi-Kessi from Mount Venga to Mount Vumba, leaving thus in the Portuguese sphere the upper valleys of the Revue, Zambusi, and Menini, which being more open and separated by narrow spurs with a steeper fall, form part of the eastern slope.

The spurs between the Revue and its affluent the Chua, the one which projects from Chenadombue and finishes at Saddle Hill (British Map), or Maritza (Portuguese Map), and the one called Clarke's Hill, may be classed among the spurs mentioned in the fourth postulate above referred to, and must be considered as forming part of the slope.

Lastly, the proposed line starting from the col marked 3,750 feet on the British Map, runs towards Vumba because to its right, and to the south of the valley of the Menini, there is such a general increase in the elevation of the ground that it must be considered as belonging to the plateau.

3rd Part.—Leaving Vumba the line makes several bends so as to follow southwards the crest of the steepest slope; it crosses the upper valleys of the Zombi or Zombe, of the Mazongwe or Zomoe, reaches Mount Matura at the point marked 4,495 feet (British Map), where is situated the trigonometrical point where is shown on the Portuguese Map, at a distance of 2,500 metres west of the point marked 596 metres, on the prolongation of the Serra Chaura, and then continues, crossing the upper valleys of the Mangwene and Pambe or Inhamatoca, of the Litanti or Bonde, and of the Inyamangwene, to the eastern extremity of Mount Inyamatumba at the point marked 4,650 feet (British Map), that is to say, to the south-west of Chabua (Portuguese Map).

This part of the section is justified by the remark that between it and the Portuguese line there is included all the high ground which commences a little south of the Menini, and in which are found the upper valleys, and drainage areas of the above-mentioned torrents, and which without doubt forms part of the table of the plateau, whilst the whole way along this line there is an échelon or sensible change of slope which marks the true edge, at which the eastern slope, properly so called, commences. On looking attentively at the British Map D one easily perceives the characteristic difference of the ground situated between the streams Zombi, Mazongwe, Mangwene, &c., and that included between the narrow spurs of Saddle Hill and Clarke's Hill,

and between the Revue, Zambusi, and Menini, which belong to the slope.

4th Part.—From Mount Inyamatumba the line ascending a spur of this chain towards the west again rejoins the Portuguese line, and follows it along Mount Kokoboudira (British Map), or Choanda (Portuguese Map), to the point marked 1,500 metres (Portuguese Map), that is to say, to the north-west of the point marked 5·100 feet (British Map). From this point, turning towards the east, it crosses the upper valley of the Little Mussapa, and reaches Mount Guzane (Portuguese Map), rejoining, after cutting off the angle made by the English line, longitude 33° east of Greenwich, and following it to Chimanimani, after having crossed the Great Mussapa.

This last part of the line proposed is justified as follows :—

The same reasons for which the Revue, the Zambusi, and the Menini were acknowledged as water-courses of the slope, force one to the conclusion that the Mangwingi (British Map), or Munhinga (Portuguese Map), cannot be a water-course of the plateau. The same must be said of the other torrents further to the south as far as the Little Mussapa, with the exception, however, of the last-mentioned; because the upper valleys of the Little and the Great Mussapa form part of a region much more elevated, and which belongs to the plateau by the admission of both Parties. The line once having reached the 33rd meridian follows it to the south in accordance with the stipulation of Art. II of the Convention, which forbids that the line should cross this meridian for the benefit of Great Britain.

The learned and careful Report of the honourable expert has thus brought into relief all that is improper in the lines of the two Governments, and in rectifying them has proposed to us a third line, which, having been examined by us with the greatest care, and compared with those of the two Parties, appears to us to be exempt from the faults which have always been evident to us in both of them, and which prevented us pronouncing ourselves in favour of one or the other.

We have, in fact, in the proposal of the expert, a natural line, which, in its tortuous course, conforms as far as possible to the mountainous configuration of the plateau, and which, following the heights which define it and form its eastern slope, runs along the upper part or edge of this slope. It therefore only cuts those water-courses and valleys, which, in consequence of the elevation of the ground, must form part of the table of the plateau; and it leaves in the slope the others, which have a lower altitude and steeper gradient.

We may add that this line is a just application of the Treaty, as it does not adopt as frontier the watershed, except in those places where it is proved that it coincides with the edge of the plateau, which is in conformity with the letter and spirit of Art. II.

So we see that in its *ensemble* this line encroaches neither on the surface of the plateau, nor on that of the slope; but that it fulfils, as far as the irregularity of Manica allows, and as is possible with the maps submitted, the final object of the delimitation, summed up in the words "the plateau for Great Britain, and the slope for Portugal."

Furthermore, this line leaves in the Portuguese sphere the whole district of Massi-Kessi, running along the summits of a kind of mountainous amphitheatre, which seems to have been made by nature as a territorial limit and rampart towards the west.

The aspirations of Portugal with respect to this had an insufficient guarantee in the text of the Treaty, and the intentions of the negotiators were not clearly enough manifested to serve as a basis for a judicial decision. But we have, nevertheless, recognized that these aspirations find their foundation in a happy correspondence between a line traced by nature and the inspirations of equity.

For all these reasons the line proposed by the expert appears to us to possess all the characteristics required by Art. II in the frontier between the spheres of influence of the two countries, and seems to be the only one which is in conformity with the letter and spirit of the Treaty. Consequently, we should be inclined to adopt it in its entirety with full conviction.

But on reflection we find that the trace of the line proposed by the expert from Mount Vumba to Inyamatumba, though technically accurate, might, owing to its numerous inflexions and the difficulty of defining accurately its course on maps giving so little detail, whether it be on account of their small scale, or the rapid system of survey adopted, easily give rise, on ground as irregular as it is, to doubts and differences of opinion which should be carefully avoided.

In consequence of this, we considered it desirable to ask the same expert to point out to us in this locality a better defined and more practical line.

In accordance with our invitation, of which he recognized the opportuneness, the expert pointed out slight modifications which might be introduced into his trace, substituting some nearly straight and better defined lines for the natural inflexions of the edge of the slope, but in a manner so that the extent of ground which each Party gets by the substitution of straight lines for the rigorous demarcation of the edge remains almost equivalent.

He proposes, in consequence, that from Mount Vumba the frontier should run in a straight line to a trigonometrical point situated between 4 and 5 kilom. to the east of the watershed (Serra Chaura), and from this point that it should continue in a straight line to the point marked 4,650 at the eastern extremity of Inyamatumba. Thence it would follow this mountain, and rejoin the line already proposed.

These modifications appearing to us to be in accordance with the aim of rendering the delimitation easier, more practical, and better defined, we have made our decision accord with them.

Following the division adopted in the joint note of reference, we add, to complete the first section of the frontier, that after Chimanimani the frontier continues to follow, without doubt, the 33rd meridian to the point marked A on the British Map. some miles south of the defile of Chimanimani.

V.—*Second Section of the Frontier.*

The joint note of reference informs us that as regards the second section of the frontier, an agreement was entered into between Major Leverson, the British Commissioner, and Captain d'Andrade, the Delegate of the Portuguese Commissioner, on the very ground which they were to delimit.

This agreement is admitted in the Cases which the two Parties have presented to us, but with this difference, the British Government maintains it, and claims the adoption of the whole of it, whilst the Portuguese Government, basing itself on Art. 15 of the Regulations for the execution of the delimitation, signed at Mozambique on the 24th October, 1891, by the Commissioners of the two countries, insists that the acceptance of the agreement signed by Captain d'Andrade, the technical Delegate, could not be definitive and obligatory on him, unless he gave it his approval, which he did not do before the Arbitration.

In fact, it is for the first time in the Case presented to the Arbitrator that the Portuguese Commissioner declared that Portugal approves the Leverson-d'Andrade Agreement, *even in part only*, viz., from Chimanimani to Mapunguana (Portuguese Case, p. 98).

In support of this partial approval the Portuguese Commissioner remarks that in the portion which he has accepted the delimitation agreed to is exactly in conformity with Art. II of the Treaty until about latitude 20°; that south of this parallel, till about altitude 20° 30′, the relief of the ground is so irregular that it is difficult to apply to it the rules of Art. II; that *the table and the slope* of the plateau are there so badly marked, on account of the irregularity of the river system, and the absence of well-defined general lines in the configuration of the ground, that it is almost impossible to determine with precision what is the line which separates them, that is to say, what is the edge of the eastern slope. It was only by a spirit of conciliation, according to him, that the serious questions which presented themselves in the delimitation were eliminated, because "the ground lends itself to be *interpreted* in different ways" (Portuguese Case, p. 93). Lastly, in this portion, the line agreed to, even in the opinion of those who traced it, does not follow the crest of the slope (*vide* Observations on the British Counter-Case, No. 32, *et seq.*), so that here the rules of Art. II were only followed so far as it was possible.

In other words, though this demarcation may, perhaps, not be absolutely correct, the Portuguese Government acknowledges that the ground in this instance does not admit of any other, the accuracy of which would be less open to dispute.

But it thinks the same cannot be said of the prolongation of the line from Mapunguana to latitude 20° 42′ 17″, and it therefore rejects this last part of the Agreement, and proposes to substitute for it a new line, which would follow the mountains of Xerinda to Mount Zuzunye, and which, passing through the altitudes marked 990, 1,150, and 960 metres, which separate the basin of the Zona from that of the Chinica, would be naturally determined by the orographical relief. This line,

Portugal adds (Observations on the British Case, No. 68), avoids the useless détour made by the line agreed to, which from Mapunguana runs towards the south-east, across the Inhamazi, to reach a height marked 1,100 metres, and then descends to altitudes of 670 and 760 metres. And whilst it is almost rectilinear, it preserves a mean altitude of 1,110 metres, and has a greater regularity than that of the line agreed to.

The British Government, as we have said, claims the maintenance of the whole of the Agreement, according to which the line, having reached Mapunguana (point marked H on the British Map), makes a sharp angle, turns to the south-east, and runs straight to a well-marked hill east of the River Zoma, or Zona, and then continues to a point situated on the range which separates the valley of the Zoma from that of the Sheneyka, or Chinica, after which, turning almost due west, it runs in a straight line to the summit of Mount Zuzunye.

Against the adoption of the rectification claimed by Portugal Great Britain advances two objections, one legal and the other technical.

The legal objection consists in the special character of the Leverson-d'Andrade Agreement. It is admitted on both sides that this Agreement, taken as a whole, represents a transaction discussed and accepted on the ground itself in consequence of mutual concessions by technical experts who had acquired a personal knowledge of the localities, and were very competent to form an opinion of their topographical characteristics.

The above-quoted description which Portugal has given of the very irregular and hilly country which the line agreed to traverses to Mapunguana enables us to understand clearly how much give-and-take was necessary to enable this line to be traced. The British Commissioner declares that, in the desire to arrive at an immediate solution, he decided to accept the modifications of his first proposals suggested by Captain d'Andrade, though he felt convinced that the first line corresponded more accurately to the terms of Art. II of the Treaty.

The extent of the concessions made by the British Commissioner is shown on the British Map D, on which the dotted red line represents the frontier at first proposed by him in those places where it does not coincide with the line agreed to, viz., from *C* to *K*. One sees from this map that the portion *accepted* by the Portuguese Delegate is very important; he declares himself, in his Case (p. 93), that it is *the greater portion of the delimitation* which was agreed to. It is just there that the largest concessions were made to him; of these concessions he wishes to take advantage.

Besides, the manner in which this compromise was effected is explained to us even by Captain d'Andrade in terms which it may be useful to quote. "The Leverson-d'Andrade line" (says he, at No. 100 of Observations on the British Case), "was traced by making mutual concessions; there was the Leverson line and the d'Andrade line, and after prolonged discussions on the ground, in order to afford proof of a spirit of conciliation on both sides, the line above-mentioned was

determined on, though each was persuaded that his line was more in conformity with the text of the Convention."

The language of the Delegates of the two Governments affords evidence, therefore, that the whole line agreed to was the result of a compromise or of a transaction, which could not be repudiated without going against the intentions of its authors, and without wounding justice at the expense of one or other of the Parties. Of this agreement one must say that it must be taken in its entirety or dropped altogether. Portugal, which accepts the greater part which is to its advantage, cannot reject the other to the disadvantage of Great Britain without evidently disturbing the balance of justice and deranging the equilibrium between the Parties.

The want of full powers as regards the Delegate d'Andrade, to which Portugal calls our attention in many Memoranda which are included in its Case, even if it were proved in an irrefutable manner, could not be accepted as an argument in favour of Portugal, except in the event of that Power rejecting the agreement altogether and proposing a new line in lieu of the whole of the one agreed to.

But Portugal pretends that in this matter it only makes its line conform to the Convention.

Great Britain contests this statement by the second objection, which we have described as technical. Its Delegate at No. 15 of his *Final Observations* remarks that the Portuguese line from Mapunguana to Mount Zuzunye *is, it is true, a natural crest line, but it is a crest situated on the plateau and not the edge of the plateau.* On examining the English Map D one sees in fact that the slope from this crest to the north-west towards the Umswilizi is much more rapid than the general slope on the other side towards the south-east and the district of the Umswilizi (or Moussurize), which river, even according to Captain d'Andrade, is without doubt a true river of the plateau. (Observations on the British Counter-Case, No. 68.)

The Portuguese Government seeks here, it would appear, as in the first section, for the edge of the slope on the most prominent heights, and again confounds a crest line of the plateau with the crest or edge of its slope. If the line of the eastern edge descends to a lower altitude in this locality, it is the natural effect of the gradual depression of the whole plateau of Manica which is seen to the west of the line on proceeding southwards from the Lusitu. This general inclination of the country and of the table of the plateau itself must not be confused with the slope ("pente ou versant") which becomes lower naturally with the lowering of the plateau.

One must have before one besides the avowal of the Parties (to which we have already drawn attention) that this section of the line is the result of mutual concessions. So that, if in its course there should be some features not altogether regular or in conformity with the exact application of Art. II of the Treaty, these irregularities compensate each other reciprocally; and if beyond Mapunguana there is some advantage for Great Britain, Portugal has on the other hand large compensation in the concessions which were made to it in the much

greater portion which precedes Mapunguana and in that which follows [*sic* ?].

We consider, then, well-founded the two objections of Great Britain. Though they be essentially distinct, they afford mutual support to each other, and the two together bring us to the conclusion that the partial acceptance of the agreement, together with the modification proposed by Portugal between the point *H* and the point *M* is as contrary to the principles of justice as to the rules of Art. II of the Treaty. For this reason the agreement ought, in our opinion, to be maintained as far as Mount Zuzunye.

As regards the last part of this section to the point *O*, we will discuss it when examining the third section, to which this part was united during the discussion by the Delegates.

VI.—*Third Section of the Frontier.*

The line, once carried by the Delegates of the two Governments to the summit of Mount Zuzunye, a great divergence of opinion arises as to the interpretation and application of the Convention to the ground which remains to be delimited before the Save is reached.

For the British Government, on leaving the summit of Mount Zuzunye (point marked *M* on the Map D), the line crosses the valley of the Umswilizi to a high point on the watershed which separates the valley of the Nyamgamba from that of other affluents of the Umswilizi (which are all rivers of the plateau), and follows the line of the agreement to the point *O*, where it meets the meridian 32° 30′.

This small part of the frontier is the last section of the line agreed to by Major Leverson and Captain d'Andrade, and one must in consequence apply to it all the remarks which we have made above on the indivisibility of the proposed agreement as a bilateral transaction which admits of no alteration. The appreciable fall of the whole plateau in this part, and its deviation to the south-west, naturally causes the line, which runs along its eastern edge, to bend towards the west as far as meridian 32° 30′ ; then stopping at this meridian. fixed as the extreme western limit by Art. II, it follows it to the Save, leaving in the Portuguese sphere all the territory situated east of the aforesaid meridian.

We consider it opportune to remark here, that the agreement having caused the line to recede to the west, the result is that in its course from the point *M* to the point *N*, it causes to be included in the Portuguese sphere the triangle *LMN*, the importance of which is seen on the map D, and the whole of which triangle forms part of the district of the Umswilizi which is situated on the plateau. This is, then, another considerable concession to the advantage of Portugal.

The English line taken as a whole in this last section would be in conformity with the conditions required by the Treaty, viz., the direction towards the south following the deviations of the edge of the plateau, and the limitation of the parallel [?*sic*] 32° 30′ to the west.

The Portuguese Government, on the contrary, considers itself

authorized by the configuration of the country in this part, to follow quite another direction, and deviate from the conditions laid down in the Treaty.

Taking as a basis the supposition that the depression of the country between the latitude of Mount Zuzunye and the channel of the Save is so marked that the plateau of Manica and its slope cease altogether to the south, the deduction is drawn that the frontier can no longer follow its eastern edge towards the south. There arises, says Portugal, a case not foreseen, or omitted in the Treaty; for the Treaty supposes that the plateau is prolonged southwards to the Save. From that moment the rules laid down in Art. II cease to be applicable, and they must be supplemented by having recourse to the general principles of diplomatic interpretation according to which when in a delimitation Convention it is stated that a line has to go from one point to another, without specifying the course, it must proceed there straight by the shortest route.

In applying this rule to the supposed case the Portuguese Commissioner maintains that the frontier being unable to run *southwards* to the Save as required by the Treaty, it must proceed thither westwards by the shortest route, so as to follow the course of the river down stream to its confluence with the Lunde. He adds that this would be in conformity not only with the intention of the negotiators, who only had in view to leave all the plateau to Great Britain, but also with the principles of justice and equity which militate [? *sic*] in favour of Portugal, and lastly with the expression used in the Treaty "follows this channel to its confluence with the Lunde," as *follow a watercourse*, according to him, signifies rather *follow down stream* than *up stream*, which the English line would do.

Rejecting on account of these arguments the line proposed by Great Britain, Portugal considers it *just and rational* that the frontier from about 20° 30′ should run to the Save by Mounts Hero and Zuzunye and by the River Lacati, following thence the course of the Save to its confluence with the Lunde.

And as this line would extend beyond 32° 30′, an endeavour is made to overcome this difficulty by remarking "that the meridians 33° to the east and 32° 30′ to the west only figure in the Treaty as limits which the frontier in its course must not cross so long as it is a case of tracing it along the edge of the eastern slope of the plateau; hence (he concludes) these limits count for nothing in the delimitation of a country in which both the plateau and the slope are wanting." (Portuguese Case, p. 97.)

The reasoning of which we have above given a summary appears to us rather specious than solid, and to be founded really neither on fact nor on right. Two questions are raised by it taken as a whole: (1) whether the plateau of Manica really ceases to exist in the south before reaching the Save; (2) whether if the answer be in the affirmative the deductions drawn therefrom are legitimate.

1. We will commence by remarking that the topographical officers who settled in agreement the frontier from the point *M*, the summit of

Mount Zuzunye, to the point *O*, where the edge cuts 32° 30′, must have recognized in this stretch the existence of the plateau and the slope, which was a necessary condition of the line adopted.

Major Leverson remarks (No. 30 of his Notes) that the supposition of the Treaty that the slope of the plateau, without ceasing to be an eastern slope extended to the Save, was perfectly justified by Mr. Maund's Map, in which it will be seen that the edge of the plateau, after having crossed meridian 32° 30′ runs in a direction nearly south-west to the Save ; and that in fact the examination of the ground proved that the general deflection west of this meridian given to the edge on this map is not very inaccurate. He adds, that he does not in any way admit that the plateau ceases to exist south of Mount Zuzunye, as this mountain is situated, he says, to the east even of the great watershed, and precedes [? *sic*] the triangle *LMN*, the whole of which is included in the district of the Umswilizi (or Moussurise) which river, by the admission of Captain d'Andrade even, as we have already remarked, is a true river of the plateau.

The considerable diminution of elevation of the high lands of Manica before reaching the Save is, according to Portugal, a proof that the plateau has ceased to exist, and that its place has been taken by the plain.

But, while recognizing the diminution in altitude, we are of opinion that it is not sufficient to do away with the characteristics of the plateau.

In the first place, it must not be forgotten that the plateau of Manica (like the other plateaux of Africa in general) by the admission of the Parties, and according to the observations of geographers and travellers, is highest to the east and falls gradually to the south and west ; but this natural fall does not deprive plateaux of their characteristics. In fact, the British Delegate, whilst acknowledging that the portion of the plateaux of Manica south of the latitude of the intersection of its edge by 32° 30′ is less elevated than the country further to the north, maintains that this does not prevent its being still considered as part of the table of the plateau. He explains and supports strongly this proposition by remarking that the diminution in the general altitude of the country to the west on proceeding southwards from the Lusitu is caused by the gradual lowering of the whole plateau from Mapunguana, and by the manner in which, on approaching the Limpopo, it recedes towards the south-west ; but this general inclination of the ground does not justify one in seeing in it an exterior slope, that is to say, a slope connecting the plateau with the plain, and much less the commencement of the plain.

It is admitted by geographers that the surface of an elevated district may have a general slope of this kind without necessarily ceasing on that account to be a plateau. The authority of M. Élysée Réclus furnishes an example of this in his work already referred to ("La Terre," vol. i, 2nd edition, p. 137), in which he informs us that the greater portion of the high lands of Africa are of little elevation, and their slopes offer an easy means of access ; thus the plateaux of Cape

Colony, the mean altitude of which in the south is barely 200 metres, rise by degrees towards the north to an altitude of 600 to 1,000 metres above the level of the sea."

This observation is perfectly applicable to the high lands of Manica, which undoubtedly rise in the north to more than 1,000 metres, whilst in the south a little before arriving at the Save, their altitude is not more than 300 metres. (Observations on the British Counter-Case, No. 12, and Conclusions of the Portuguese Delegate, No. 4.)

One more observation will complete this demonstration. It is generally acknowledged, even by Captain d'Andrade (Observations on the British Case, No. 71) that " the definition of plateaux is susceptible of a certain elasticity on account of the somewhat unrestricted use made of the word ; " geography then does not fix any *minimum* for its altitude—this *minimum* depends on the country which surrounds it, and on the particular conditions of each region. We have just called attention to the fact that according to the evidence of M. Réclus, 200 metres are sufficient to constitute a plateau in Africa. This opinion we find shared by M. Ritter (mentioned among other writers in the Portuguese Case, p. 48), who considers an elevation of 500 feet (about 160 metres) as being the lowest limit of the level of a plateau. Also Captain d'Andrade in his Conclusions (No. 4) acknowledges that according to Réclus there may be plateaux of an altitude of 50 metres, and that according to the illustrious Italian geographer Marinelli, the minimum altitude of a plateau is 200 metres (Marinelli " La Terra," vol. i, p. 302.)

In our case the rule of legal interpretation, according to which the expressions made use of in a contract, must be taken in the sense most in accordance with the intentions of the parties who have arranged it, and the most favourable to the aim of the contract, obliges us to give to the word plateau the broadest possible signification, that is to say, to require only the minimum normal altitude, so as to be able to affirm its existence as far as the Save, as the high Contracting Parties had supposed, and so as thus to render possible the application of the text of Art. II of the Treaty. Following thus, from the legal point of view, an universal rule of interpretation, and from the technical point of view the opinion of the most illustrious geographers to whom the two Parties have made reference, we come to the conclusion that the plateau of Manica, though it falls gradually towards the south and becomes reduced to the smallest proportions, preserves, nevertheless, a sufficient elevation (as was supposed by the authors of the Treaty) for it to be admitted that it exists right to the Save.

2. Lastly, to examine the question under all its aspects, we will suppose with Portugal that the plateau, contrary to the anticipation of the authors of the Treaty, comes to an end at a distance more or less great before reaching the Save. The consequences which would result would certainly not be those which Portugal tries to deduce therefrom.

The direction that the line must have towards the south would not cease, and the limits of the meridians within which it must maintain

its course, would remain the same ; therefore, one cannot even say that there has been proved to exist a case that was not foreseen, or a gap in the Convention.

In fact, as regards the direction of the line towards the south, it is sufficient to reflect that it is the only one which is laid down in Art. II of the Treaty as a general rule for the tracing of the whole of the frontier between 18° 30′and the Save. The words " southwards to the centre " of the English text, as well as the words " na sua direcção sul ate á linha media " of the Portuguese text, signify " towards the south to the centre," and not merely " towards the Sabi." (*Vide* Major Leverson's Observations, No. 18.) It is true that the Article says at the same time " follows the upper part of the eastern slope of the plateau. But by these words it was not intended to convey that the line should only run towards the south provided it could, and as far as it could, follow the edge of the slope, as the Portuguese Delegate makes out, but simply that the frontier in running southwards to the Save, should follow the naturally tortuous course of the edge, and not proceed there direct in a straight line.

This is evidently only a condition imposed on the trace and not on the direction of the line, which must, before everything, run towards the south ; only in running southwards to the Save, it must follow the edge of the eastern slope. But if the edge, which is supposed by the Treaty to extend to the channel of the Save, comes to an end before reaching there, this flexibility of the trace comes necessarily to an end at the same time as the edge, as a condition which has been fulfilled ; and from the point where the edge finishes, the line, freed from all restraint, must run straight to the Save according to the general rule of its direction towards the south, to the application of which, moreover, no obstacle presents itself. But it must not pass to the east beyond longitude 33°, nor to the west beyond longitude 32° 30′, for the reasons which we are now about to explain.

This is the only rational interpretation, the only one that is in conformity with the text of Art. II, and with the intentions of its authors.

The objection that the text supposes the plateau to extend to the Save, can in no way shake this conviction.

The authors of the Treaty, by the admission of the Parties, had only an imperfect knowledge of the plateau which they delimited. Now, even if they did make a mistake, this mistake, which does not affect one of the essential conditions, but only the flexibility of the line to be traced, cannot make any difference as to its final directions towards the south, which can, and must, be followed notwithstanding.

Further, this conviction held by the negotiators that the plateau extended to the Save, though erroneous, would furnish evident proof that by the words " *the frontier follows southwards* the upper part of the eastern slope to the Save," they meant simply that the frontier runs southwards to the Save *throughout its length*, which expression for them was identical with the extent of the edge.

As regards the limitation of longitude 32° 30′, we are of opinion that

Portugal would not have the right to free itself from it by supposing that the plateau ceased before the Save was reached.

If one seeks the cause of, and the reasons for, this limitation, one easily understands that it is entirely independent of the continuity of the edge as far as the Save.

It appears from the history of the negotiations which preceded the drawing up of the Treaty that the Marquess of Salisbury had first proposed to make longitude 33° the frontier from 18° 30′ to the Save; that Portugal, not having accepted this proposal, nevertheless declared, through its Minister, M. du Bocage, that it could agree to 32° 30′ as a dividing line, provided that attention were paid to the modifications required by the geographical conditions. (British Case, para. 13.) The two proposals reduced the difference between the two lines to the strip of territory comprised between longitudes 32° 30′ and 33°. It was, then, in order to reconcile this difference, that Lord Salisbury submitted a kind of compromise which instituted as frontier-line the upper part or edge of the eastern slope from 18° 30′ to the confluence of the Save and the Lunde.

This means of conciliation was accepted by Portugal, and adopted in Art. II of the Treaty.

But, foreseeing naturally that the edge of the slope of an irregular mountainous plateau, like that of Manica, would be tortuous in its development, the negotiators deemed it necessary to lay down that the frontier, whilst following the sinuous course of the edge, should never extend beyond the limits proposed by the two Parties, viz., meridian 33° to the east, proposed by England, and meridian 32° 30′ to the west, proposed by Portugal.

Thus the line came to be, so to say, shut in in the groove bounded by the two meridians, with the double object that it should not leave the strip of territory in dispute, or assign to either Party more than it had asked for.

It is precisely this which was agreed to in the following paragraph of Art. II: "It is understood that in tracing the frontier along the slope of the plateau no territory west of longitude 32° 30′ shall be included," &c. The line, then, *throughout its length* cannot extend beyond the limits above-mentioned; if it is mentioned that its trace is along the slope this is only for the simple reason above-mentioned, that the negotiators of the Treaty were fully persuaded that the edge of the slope extended as well as the line towards the Save. If by chance it has been found that the edge comes to an end before reaching the river, this circumstance does not do away with the *raison d'être* of the limit of the two meridians, and does not prevent the line, when running straight to the Save after the supposed cessation of the edge, from remaining in the groove which the Parties fixed for it by expressions which contain a clear and absolute prohibition.

The impossibility of tracing the line between those limits (as has been observed by the British Delegate) would be the only reason which could be invoked for overstepping them; but such impossibility is so far from having been proved, that it has not even been alleged by Portugal.

The only effect which the cessation of the plateau before reaching the Save can have to the advantage of Portugal is to give to the Portuguese sphere its greatest possible breadth towards the west by extending it till it reaches 32° 30′, the extreme limit. Just as Great Britain immediately south of Chimanimani has acknowledged that it cannot follow the plateua in its detour beyond 33°, so Portugal has no right to follow the slope (" le versant ou la pente ") or the plain beyond 32° 30′ in face of the explicit prohibition in the Treaty.

Finally, it must not be forgotten that Great Britain, to make sure that the frontier should not cross 32° 30′, and should not trespass on its sphere beyond this limit, made, as we have already more than once remarked, the concession of a large extent of territory north of the Zambezi to Portugal to indemnify it for the loss which it would sustain on the plateau of Manica. Now, it would be contrary to the principles of justice that Portugal in crossing this limit should take back part of the territory in exchange for which it had accepted the above-mentioned compensation. It is true as regards this concession, or it would be better to say this arrangement, that Portugal did not fail to raise objections both as to the value and the rights of Great Britain as regards the ceded territory. But we must repeat what we have already had occasion to remark, that Portugal, after having accepted by the Treaty this territory as equitable compensation, cannot be permitted to raise objections, for which besides it has furnished no justification, having confined itself to simple allegations.

There remains only the last argument of Portugal deduced from the phrase " the frontier follows the channel of the Save to the point where it meets the Lunde," which is held to signify that the frontier reaches the Save *above* its confluence with the Lunde, and that consequently it must reach it before its (the Save's) arrival at the Lunde. This argument is destroyed by the fact that according to the Convention the line being obliged to enter the Save before reaching meridian 32° 30′, this meridian intersecting the Save below its confluence with the Lunde, it must necessarily have been understood that to reach the confluence of the Lunde the Save would have to be ascended.

But apart from the question whether the expression " to follow a river up-stream " be rigorously accurate from a philological point of view, it is certain that in the diplomatic and technical language of Delimitation Conventions to follow a river, or stream, is made use of with the meaning to follow *up-stream* as well as to follow *down-stream*.

The British Delegate furnished in his Notes (No. 39) a proof of this by quoting the Act of Delimitation of the Turco-Greek frontier signed at Constantinople by the Mixed European Commission on the 15th (27th) November, 1881.* (See vol. iii of the *N. Raccolta dei Trattati e delle Convenzioni fra il Regno d'Italia e i Governi Esteri*, Turin, 1890, pp. 99 *et seq.*, Arts. I and II of the Convention referred to), where evidently the words " suit " (follows) and " suivre " (follow) the *thalweg* of a river are used to signify follow *up-stream*.

* S.P., vol. lxxii, p. 738.

Many other examples could be quoted; but this is superfluous, once the Portuguese Delegate has himself declared in his Observations on the British Counter-Case (No. 32 *h*) that even if the natural interpretation of the words "to follow a river" is to follow it *down-stream* "this is not absolutely necessary."

To sum up, we are of opinion that the pretention of Portugal to lay aside Art. II of the Convention beyond Mount Zuzunye, and to substitute for it general principles in matters of delimitation, is justified neither by fact nor by right; and that the line which should be adopted in this section is that traced on the British Map D, and which had been agreed to by the Delegates of the two Governments as far as the point at which it meets 32° 30′. That the line should be continued thence along this meridian to the Save, is a necessary consequence of this.

For these reasons:

We declare that according to Art. II of the Treaty signed at Lisbon on the 11th June, 1891, the line which should separate the spheres of influence of Great Britain and Portugal in Eastern Africa south of the Zambezi, from latitude 18° 30′ to the confluence of the Save (or Sabi) with the Lunde (or Lunte) should be drawn as follows:—

1. As regards the first section of the frontier in dispute, according to the designation used in the joint Note of Reference ("Compromis") the line on leaving the point where latitude 18° 30′ intersects longitude 33° east of Greenwich runs due west to a point situated at the intersection of 18° 30′ by a straight line drawn from the *stone pinnacle* on the crest of Mahemasemika (or Massimique), and a height on the northern spur of Mount Panga marked 6,340 feet. From this point of intersection on the parallel of latitude it ascends in a straight line to the above-mentioned point marked 6,340 feet; then after following the watershed to the point marked 6,504 feet, it runs in a straight line to the summit of Mount Panga (6,970 feet). From this point it runs in a straight line to the point marked 3,890 feet, and thence it runs also in a straight line, crossing the River Inyamkarara (or Inhamucarara) to the point marked 6,740 feet situated to the north of Mount Gorongoe.

After this it follows the watershed, passing through the points marked 4,960 feet and 4,650 feet till it reaches the summit of Mount Shuara or Chuara (5,540 feet); and then following the watershed between the Inyamkarara and the Shimezi (or Chimeza, 3,700 feet) reaches the trigonometrical point marked on Mount Venga (or Vengo, 5,550 feet).

From Mount Venga it follows the watershed between the upper valley of the Inyamkarara and the Revué, and subsequently that between the Revué and the Odzi as far as the point at which the spur branches off, which forms the watershed between the Menini (or Munene) and the Zombi (or Zombe), whence it follows the crest of this spur to Mount Vumba (4,950 feet).

From Mount Vumba it runs in a straight line to the trigonometrical point situated on the Serra Chaura between 4 and 5 kilom. east of the main watershed, and thence in a straight line to a point situated at the eastern extremity of Serra Inyamatumba (4,650 feet).

From there it follows the watershed, which incloses on the north the valley of the Mangwingi (or Munhinga) till it rejoins the main watershed between the Save and the Revué. It follows this watershed to the point where the small spur branches off which incloses on the north the upper valley of the Little Mussapa (or Mussapa Pegueno), and runs along the crest of this spur to the point marked 5,100 feet, whence it runs due east, crossing the Little Mussapa, and reaching the crest of the eastern slope of Mount Guzane, which it follows till it meets the meridian of longitude 33° east of Greenwich; after this it follows this meridian, crossing the Great Mussapa (defile of Chimanimani) till it reaches the point marked *A* on the map hereto annexed.*

2. As regards the second section of the frontier, which is comprised between the end of the preceding section and the point where the upper part of the eastern slope of the plateau cuts longitude 32° 30′ east of Greenwich, the boundary follows the line shown on the map hereto annexed by the letters *A*, *B*, *C*, *D*, *E*, *F*, *G*, *H*, *I*, *J*, *L*, *M*, *N*, *O*, meeting the meridian 32° 30′ at about latitude 20° 42′ 17″.

3. As to the third section, which concerns the territory which extends from the intersection of the edge of the eastern slope by 32° 30′ in latitude about 20° 42′ 17″ to the point at which the Rivers Save and Lunde meet, the line following the aforesaid meridian 32° 30′ runs in a straight line to the centre of the main channel of the Save, and then ascends this channel to its confluence with the Lunde, where the frontier submitted to our arbitration comes to an end.

A map on which the line of delimitation in conformity with our decision has been drawn, and which has been signed by us, and bears our seal, is annexed to each of the originals of our Award of which it forms an integral part.*

Done at Florence, in duplicate, this 30th day of January, 1897.

PAUL HONORÉ VIGLIANI.

ALEXANDRE CORSI, *Secretary.*

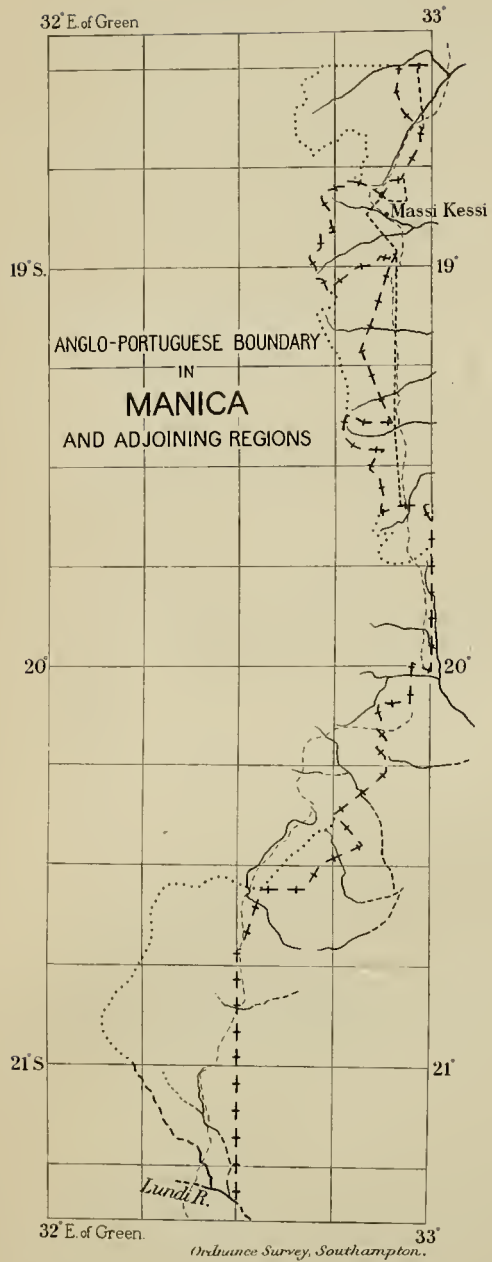
No. 316.—*DESCRIPTION of the Anglo-Portuguese Frontier between the British Protectorate of Amatongaland and the Portuguese Possessions in East Africa delimited by the Joint Commission in* 1897, *in accordance with Art. III of the Treaty of the* 11*th June*, 1891 (**No. 310**), *between Great Britain and Portugal. Lorenzo Marques*, 2*nd October*, 1897.†

The frontier, with the exception of some slight deviations, follows the parallel of the confluence of the Rivers Pongolo and Maputo (Usutu) to the Indian Ocean, and is situated in latitude south 26° 51′ 12·96″ (twenty-six degrees, fifty-one minutes, twelve decimal ninety-six seconds). (See Report of the Meeting of the Joint Commission of the 4th November, 1896.)

* See Diagram Map facing this page, and Map No. 34 in Atlas (or Pouch).

† Accepted by Notes exchanged between the two Governments, $\frac{29\text{th December, 1898}}{25\text{th January, 1899}}$, p. 1070.

To face page 1066.



Scale of map (№34) in Atlas or Pouch 8 miles to 1 inch

From the point of departure, namely, the confluence of the Rivers Pongolo and Maputo (Usutu), the frontier follows the east channel of the Maputo (Usutu), known amongst the natives as the Pongolo River, as far as a clearing made in the bush at the water's edge on the right bank. From that point looking across a swamp Beacon No. 1 may be seen erected upon sloping ground at a distance of about 4 metres to the north of a large tree.

Beacon No. I.

This beacon is built upon hard ground and considerably above the point where the waters come in the rainy season, and is situated at a distance of 220 metres from the river's edge, where the before-mentioned clearance has been made.

Beacon No. II.

This beacon is situated about 7,700 metres from Beacon No. I, and a clearance 12 metres wide has been made from one beacon to the other. This beacon is situated upon a small hill at a distance of about 300 metres to the south of "Matata's" road.

Beacon No. III.

This beacon is situated at about 2,000 metres from Beacon No. II. This beacon has been erected upon a wooded ridge at about 200 metres to the north of "Matata's" road. A clearance 12 metres wide has been made to the east and west of this beacon for an extent of about 500 metres.

Beacon No. IV.

This beacon is situated at about 6,500 metres from Beacon No. III. Beacon No. IV has been erected upon a small ridge, and is surrounded to the east and north by a dense bush. At the foot of the ridge and to the west the country is rather flat and open. On that plain, and at a distance of about 4,000 metres to the north, is the kraal belonging formerly to the Chief Sibunjana.

Beacon No. V.

This beacon is situated at about 2,000 metres from Beacon No. IV upon a prominent point on the range of hills which form the watershed between the Rivers Umfuzi (Futi) and Maputo (Usutu). This beacon is built near a curious tree which is in a conspicuous position distant about 40 metres from the beacon. The tree may be easily recognized by its curved trunk and by its branches, which are also curved; both trunk and branches are curved in a northerly direction.

Beacon No. VI.

This beacon is about 3,500 metres from Beacon No. V, situated upon a small wooded ridge. A clearance has been made for a distance of about 1,500 metres east and west of this beacon. In the immediate

vicinity there are clumps of very dense bush. At about 100 metres to the north of the beacon, and growing in the midst of a clump of bush one may remark a big wild fig tree with spreading branches.

Beacon No. VII.

This beacon is situated at about 6,500 metres from Beacon No. VI, upon the right bank of the swampy River Umfuzi (Futi), and faces a clearance made on an island in the above-mentioned river, which clearance is situated about 600 metres south of the most northerly point of that island. This beacon is about 6,000 metres to the south of the kraal of Mlingalinga, of the Manyoka tribe.

Beacon No. VIII.

This beacon is situated at about 800 metres from Beacon No. VII, and is erected upon the right bank of the above-mentioned Umfuzi (Futi), at a distance of about 100 metres to the west of a clump of (Ndoni) trees. Dense bush surrounds this beacon to the north and south on the bank of the river.

Beacon No. IX.

This beacon is about 4,000 metres from Beacon No. VIII, and is situated upon a mound surrounded by many small palm trees in the vicinity of Makokela's kraal. Palms grow upon the slopes to the north, east, and west of the mound, which is bare upon its summit.

Beacon No. X.

This beacon, about 4,000 metres from Beacon No. IX, is situated amidst palms upon a long low ridge.

Beacon No. XI.

This beacon, about 3,000 metres from Beacon No. X, is situated in the middle of the horse-shoe shaped swamp called Enhlove. The beacon is surrounded by dense bush at the edge of the swamp on the three sides, south, east and west. A large clearance has been made in the bush to the west of the beacon.

Beacon No. XII.

This beacon, about 8,000 metres from Beacon No. XI, is situated upon a bare ridge.

Beacon No. XIII.

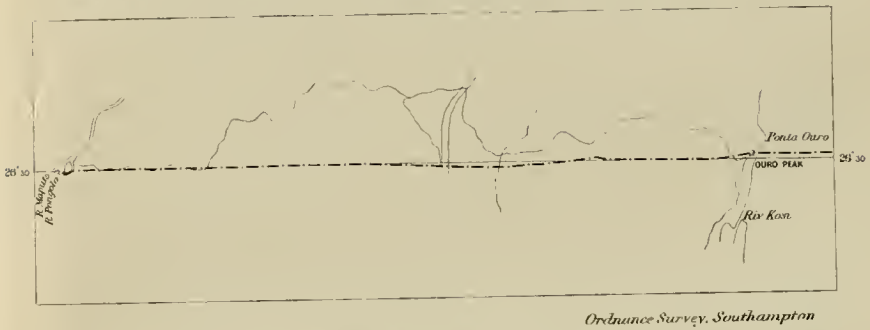
This beacon, about 1,000 metres from Beacon No. XII, is situated upon a bare ridge. It is the last ridge of the frontier, and overlooks a small lake upon the other side of which are the sand dunes. This beacon is 2,670 metres from Oro Peak, bearing 76° N.E. (seventy-six degrees north-east).

The frontier terminates at the summit of Oro Peak, which is the most elevated point between Kosi River and Oro Point.

To face page 1068.

AMATONGALAND BOUNDARY.

ANNEXED TO DESCRIPTION OF FRONTIER SIGNED ON OCTOBER 2, 1897.



Ordnance Survey, Southampton

Scale of map (№35) in Atlas or Pouch 1·578 miles to 1 inch

On the coast the frontier is the parallel of the summit of Oro Peak.

The frontier described in this document is in conformity with the sketch plan annexed to this document.*

Signed at Lourenço Marques this 2nd day of October, 1897.

JOAQUIN ANTONIO NUNES DA SILVA,
Capn. Pe. Commissioner Portuguese.

W. BOSMAN,
British Commissioner.

AUGUSTO EDWARDO NEWPARTH,
1*st Hyr.*

No. 317.—*PROCES-VERBAUX of the Meetings of the Commissioners for the delimitation of the Boundary between the British and Portuguese Spheres of Influence in the Barué District (north of latitude* 18° 30′ *south).* 28*th June to* 6*th December,* 1898.

[Under Art. II of Treaty of 11th June, 1891 (**No. 310**). The understanding arrived at was completed by Notes exchanged between the two Governments on the 4th March and 28th April, 1902, as regards the line from Mount Karera to the River Mazoe (**No. 322**), and on the 18th January and 12th April, 1904, as regards the line between 18° 30′ south latitude and Mount Karera (**No. 324**).]

No. 318.—*PROCES-VERBAUX of the Meetings of the British and Portuguese Commissioners for the delimitation of the Manica Boundary* (18° 30′ *south latitude to the junction of the Sabi and Lundi Rivers).* 5*th and* 28*th June and* 14*th and* 15*th December,* 1898.

[Under Art. II of the Treaty of 11th June, 1891 (**No. 310**), and Award of Arbitrator of 30th January, 1897 (**No. 315**). The Boundary demarcated by the Commissioners was adopted as definitive by Notes exchanged between the two Governments at Lisbon on the 3rd June, 1907 (**No. 329**).]

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* See Diagram Map facing p. 1068, and Map No. 35 in Atlas (or Pouch).

No. 319.—*NOTES exchanged between Great Britain and Portugal relative to the Delimitation of the Frontier between the British and Portuguese Possessions in Amatongaland.** *London,* 29th December, 1898. 25th January, 1899.

No. 1.

The Marquess of Salisbury to Senhor de Soveral.

Sir, *Foreign Office, 29th December,* 1898.

In the month of September last you informed me that the Government of His Most Faithful Majesty desired to confirm, by an exchange of notes, the delimitation of the frontier between the British and the Portuguese possessions in Amatongaland, and I now have the honour to state that Her Majesty's Government accept the work of the *Anglo-Portuguese Commissioners, who have delimited the frontier on the spot,* and have placed beacons to show it,† as the definitive settlement of the frontier in question. On receiving an assurance of corresponding tenour from you, Her Majesty's Government will consider the matter as closed.

I have, &c.,
SALISBURY.

No. 2.

Senhor de Soveral to the Marquess of Salisbury.

Portuguese Legation, London,
My Lord, *25th January,* 1899.

In answer to your Lordship's note of the 29th December, referring to the delimitation of the frontier between the Portuguese and British possessions in Amatongaland, I have the honour to state that His Most Faithful Majesty's Government accept the work of the Anglo-Portuguese Commissioners, who have delimited the frontier on the spot,† and have placed beacons to show it, as the definitive settlement of the frontier in question, and therefore consider the matter as closed.

I have, &c.,
LUIZ DE SOVERAL.

No. 320.—*ARTICLES OF AGREEMENT respecting the Delimitation of the Boundary between the British Central Africa (Nyasaland) Protectorate and the adjoining Portuguese Territory.* 31*st July* to 21*st November,* 1899, *and 8th December,* 1900.

[Under Arts. I and V of the Treaty of 11th June, 1891 (**No. 310**); the *Modus vivendi* of May–June, 1893 (**No. 311**), and Agreement prolonging the same, 20th January, 1896 (**No. 314**). The arrangements recommended by the Boundary Commissioners, with certain exceptions and modifications, were, pending the final settlement of the Boundary, provisionally confirmed by Notes exchanged between the two Governments on the 15th September, 1906 (**No. 328**).]

* See Art. III of Anglo-Portuguese Treaty of 11th June, 1891, p. 1018; and Exchange of Notes, September–October, 1895, p. 1033.
† See Description of Frontier, p. 1066.

[Nyasaland Boundary. Barué District.]

No. 321.—*AGREEMENT between the British and Portuguese Commissioners respecting the Concession by Great Britain to Portugal of a tract of Land on Lake Nyasa. Signed, 12th January,* 1901.

We, the Undersigned, on behalf of our respective Governments, accept the undermentioned tract of land as an equivalent to the British Concession at Chinde and in lieu of the Leopard Bay Concession* and have mutually erected beacons to mark the spot.

The said Concession is situated on the western shore of the south-west arm of Lake Nyasa; this arm of the lake to be now called Rhoades Bay for the purposes of this delimitation.

The Concession shall be called "The Portuguese Concession at Chipole, Rhoades Bay, Lake Nyasa."

Position of the Concession.

Commencing from a beacon which bears 67° south 39′ west, and is distant 264 yards from the confluence of the Malingdezi River with the south-west shore of Lake Nyasa, the boundary is carried on a bearing of 60° south 49′ west, distance 440 yards; from thence, in a straight line, in a bearing of 29° north 11′ west, distance 220 yards; from thence, in a straight line, on a bearing 46° north 47′ east, for a distance of 454 yards; from thence, in a straight line, on a bearing of 29° south 11′ east, distance 330 yards, to the point of commencement.

Bearings to Identify the Concession.

	° ′
Malire Island (highest centre) bears ..	N. 61 15 E.
Pirolongwe Mount..	S. 30 54 E.
Chirobwe Mount	S. 2 9 W.
M'lunduni Mount	S. 27 38 W.

These bearings are observed from the south-east beacon of the Concession, which beacon is situated in latitude 13° 57′ 10″ south, longitude 34° 35′ 45″ east (Zomba).

Portugal renounces all claim to the former Concession at Leopard Bay.

Signed, in duplicate, at Zomba, British Central Africa, this 12th day of January, 1901.

ALFRED JAMES SWANN.
CARLOS VIEGAS GAGO COUTINHO, 1° *Tenente da Armada, Commissario Portuguez.*

No. 322.—*NOTES exchanged between Great Britain and Portugal relative to the modification of the Frontier Line of the British and Portuguese Possessions between latitude* 18° 30′ *south and the River Mazoe* (*Mount Karera to the Mazoe*). *Lisbon, 4th March, 28th April,* 1902.

[Under Art. II of the Anglo-Portuguese Treaty of 11th June, 1891 (**No. 310**), and with reference to the Procès-Verbaux signed by the Boundary Commissioners, 28th June to 6th December, 1898 (**No. 317**). Further Notes were exchanged on the 18th January and 12th April, 1904, as regards the line of frontier from 18° 30′ south latitude to Mount Karera (**No. 324**).]

* See Annex to Treaty of 11th, June 1891, p. 1025.

No. 323.—*DECLARATION between Great Britain and Portugal respecting the Submission of the Barotse Boundary Question to Arbitration. Signed at London, 12th August,* 1903.

On 11th June, 1891 (**No. 310**), a Treaty was signed between Her late Majesty the Queen of Great Britain and Ireland, Empress of India, and His Most Faithful Majesty the King of Portugal and the Algarves, Art. IV of which Treaty is as follows :

" It is agreed that the western line of division separating the British from the Portuguese sphere of influence in Central Africa shall follow the centre of the channel of the Upper Zambezi, starting from the Katima Rapids up to the point where it reaches the territory of the Barotse Kingdom.

" That territory shall remain within the British sphere ; its limits to the westward, which will constitute the boundary between the British and Portuguese spheres of influence, being decided by a Joint Anglo-Portuguese Commission, which shall have power in case of difference of opinion to appoint an Umpire.

" It is understood on both sides that nothing in this Article shall affect the existing rights of any other State. Subject to this reservation, Great Britain will not oppose the extension of Portuguese Administration outside of the limits of the Barotse country."

In place of the procedure contemplated in this Article, the two Governments have decided to have recourse to the arbitration of His Majesty the King of Italy in the manner provided in the following Articles :—

Art. I.—The Arbitrator shall be asked to give a decision, which shall be accepted as final by both Parties, on the question : What are, within the meaning of the above-quoted Article of the Treaty of 1891, the limits of the territory of the Barotse Kingdom ?

For the purposes of the arbitration the expression " the territory of the Barotse Kingdom " shall mean the territory over which the King of Barotse was paramount ruler on the 11th June, 1891.

Art. II.—In order to enable the Arbitrator to pronounce his decision, each of the two Parties shall, on or before the 1st of January next, furnish him with a Memorandum on the question submitted to him.

Art. III.—After the date fixed in Art. II, each of the Parties shall have a period of three months within which to furnish the Arbitrator, if it is considered necessary, with a reply to the allegations made by the other Party.

Art. IV.—Within two months after the lapse of the period mentioned in the preceding Article, each of the Parties shall be at liberty to furnish the Arbitrator with a counter-reply.

Art. V.—The Arbitrator shall have the right to ask for such explanations from the Parties as he may deem necessary, and shall decide any questions of procedure not foreseen by this Declaration and any incidental points which may arise.

Art. VI.—The costs of the arbitration as fixed by the Arbitrator shall be equally divided between the Parties.

Art. VII.—The Memorandum, and, as the case may be, the reply and the counter-reply of each Party, as well as any documents annexed to them, shall be printed, shall be in French, or accompanied by a French translation, and shall be delivered in duplicate to the Arbitrator and simultaneously to the other Party.

Art. VIII.—The Arbitrator may, for any cause deemed by him sufficient, allow an extension of time in regard to any of the matters mentioned in Arts. II, III and IV.

In faith of which the Undersigned, duly authorized by their respective Governments, have signed the present Declaration, and have affixed thereto the seal of their arms.

Done, in duplicate, at London the 12th day of August, 1903.

(L.S.) LANSDOWNE.
(L.S.) SOVERAL.

[Award delivered by the King of Italy on 30th May, 1905. See **No. 326**.]

No. 324.—*NOTES exchanged between Great Britain and Portugal, agreeing to the definition of the Anglo-Portuguese frontier line in Africa between* 18° 30′ *south latitude and Mount Karera* (*Barué district*). *Lisbon, 18th January, 12th April,* 1904.

[Under Art. II of the Anglo-Portuguese Treaty of 11th June, 1891 (**No. 310**) and with reference to the Procès-Verbaux signed by the Boundary Commissioners, 28th June to 6th December, 1898 (**No. 317**). See also Exchange of Notes of 4th March and 28th April, 1902, relative to the frontier line between Mount Karera and the River Mazoe. (**No. 322**).]

No. 325.—*NOTES exchanged between the British and Portuguese Governments adopting the frontier line between the Rivers Sabi and Limpopo provisionally traced by the Boundary Commissioners, Lisbon,* 21st December, 1903. / 19th July, 1904.

[Under Art. II of the Anglo-Portuguese Treaty of the 11th June. 1891 (**No. 310**). The proceedings of the Boundary Commissioners were recorded in a minute signed at Beira on the 3rd July, 1903. The line demarcated by the Commissioners and agreed to in the above Exchange of Notes was adopted definitively by the two Governments by a further Exchange of Notes that took place at Lisbon on the 3rd June, 1907 (**No. 329**).]

No. 326.—*AWARD of His Majesty the King of Italy respecting the Western Boundary of the Barotse Kingdom. Given at Rome, 30th May,* 1905.*

Inclosure 1.

(Translation.)

We, Victor Emmanuel III;

By the grace of God and the will of the nation King of Italy;

Arbitrator in the question at issue between Great Britain and Portugal respecting the western boundaries of the Barotse Kingdom, as they were on the 11th June, 1891.

His Majesty Edward VII, King of the United Kingdom of Great Britain and Ireland, Emperor of India, and His Most Faithful Majesty Charles I, King of Portugal and the Algarves, desiring to decide the question which has arisen between the two States relative to the frontier of their respective spheres of influence in Central Africa, by a Declaration signed at London on the 12th August, 1903 (**No. 323**), have intrusted to Us as Arbitrator the decision of this question by means of a definitive Award without appeal.

We, King of Italy, desiring to respond to the trust which the High Parties have wished to place in Us, We have accepted and We pronounce the following Award:—

On the point of fact:

Great Britain and Portugal, in order to determine their respective spheres of influence in Central Africa, had concluded at Lisbon the Treaty of the 11th June, 1891 (**No. 310**), and by Article IV of that Treaty they had agreed as follows:—

It is agreed that the western line of division separating the British from the Portuguese sphere of influence in Central Africa shall follow the centre of the channel of the Upper Zambesi, starting from the Katima Rapids up to the point where it reaches the territory of the Barotse Kingdom.

The said High Parties having, however, been unable to determine by agreement the western limits of the Barotse Kingdom, signed at London, on the 12th August, 1903, the Declaration by which they have left it to Us to decide the question which they formulated themselves in the following terms:—

Art. I.—*The Arbitrator shall be asked to give a decision, which shall be accepted as final by both Parties on the question: What are, within the meaning of the above-quoted Article of* 1891, *the limits of the territory of the Barotse Kingdom?*

"*For the purposes of the arbitration the expression 'the territory of the Barotse Kingdom' shall mean the territory over which the King of Barotse was Paramount Ruler on the 11th June,* 1891."

The question having been thus formulated, we have considered that we are called upon to determine the territory over which the King of Barotse was Paramount Ruler on the 11th June, 1891.

* The Award was delivered in Italian.

We have also considered that, since we are to decide the question which has been submitted to us by reference to the 11th June, 1891, we could not take into account things which happened after that date.

We have further carefully studied the cases, the replies, the counter-replies, and the documents thereto annexed which each of the High Parties has presented to us.

On the point of law:

Whereas tribute cannot, as such, be considered as proving the authority as Paramount Ruler of him to whom that tribute is paid; in fact, it often happens that a tribe, although independent, pays tribute to the Chief of another stronger tribe, either in order by this means to escape being harassed by him and to avoid war, or in order to gain his good will and protection;

Whereas not even the influence exercised by the Chief of a stronger tribe over others which are weaker can be considered as decisive proof of the dependence and real subjection of the tribes which submit to that influence;

Whereas consequently before recognising King Lewanika as Paramount Ruler, it is indispensable to ascertain what were the tribes which, on the 11th June, 1891, were in a position of real dependence on him;

Whereas, in the internal economy of the tribes, the Paramount Ruler is he who exercises governmental authority according to their customs, that is, by appointing the subordinate Chiefs, or by granting them investiture, by deciding disputes between those Chiefs, by deposing them where circumstances call for it, and by obliging them to recognize him as their Paramount Ruler;

Whereas such powers had beyond doubt already been exercised by the King of Barotse in the Province of Nalolo, to the west of the Zambesi; and they had also been exercised over the tribes of the Mabuenyi and the Mamboe, so that their territory formed an integral part of the Barotse Kingdom;

Whereas, as regards the Balovale, although they had paid tribute, they were, on the 11th June, 1891, in a state of independence, having, in fact, their Paramount Ruler, who appointed subordinate Chiefs, and the King of the Barotse had up till then performed no act of jurisdiction or government over the Balovale;

Whereas this is proved by the evidence of the Rev. Adolphus Jalla, who declares that up to 1891 the Balovale refused to submit, and that they were only subjugated by the Barotse at the beginning of 1892 (which circumstance has also been related by the Rev. F. Coillard), so that it cannot be admitted that in June, 1891, the Balovale formed an integral part of the Barotse Kingdom;

Whereas, however, King Lewanika exercised some rights of lordship over the zone which, bordering his real dominions, lies between the Zambesi and the Lungubungu, and is inhabited by the Balovale, so that, in view of such rights of lordship, it may be admitted that this zone formed an integral part of the Barotse Kingdom;

Whereas, so far as the region of the Balunda is concerned, a part was inhabited by the Balekwakwa, who are ethnologically Barotse,

and whereas the southern zone had been more directly under the influence of the King of the Barotse until its actual subjection, so that the territory comprised between the lower course of the Kapombo, the Zambesi, and the 13th parallel, must be considered as an integral part of the Barotse Kingdom ;

Whereas the Bampukush, the Bamarshi, the Mambunda, and the Bamakoma were absolutely independent tribes, and, consequently, could not be considered as belonging to the Barotse Kingdom ;

Whereas, as regards the delimitation of the territory over which King Lewanika reigned as Paramount Ruler, any precise delimitation is impossible, on account either of the absence of distinguishing geographical features, or of imperfect knowledge of the country, or of the notorious instability of the tribes and their frequent intermingling (circumstances which have been admitted both by the Marquess of Salisbury and the Marquess of Lansdowne), so that it is indispensable, where the natural lines fail, to have recourse to conventional geographical lines ;

For these reasons :

We decide as Arbitrator that the western frontier of the territory of the Barotse Kingdom was, on the 11th June, 1891, as follows (see annexed explanatory sketch-map) :—

The straight line between the Katima Rapids, on the Zambesi, and the village of Andara, on the Okovango, as far as the point where it meets the River Kwando ;

The eastern side of the bed of the upper waters of the Kwando, as far as the point of intersection with the 22nd meridian east of Greenwich ;

The 22nd meridian east of Greenwich as far as the point of intersection with the 13th parallel ;

The 13th parallel as far as the point of intersection with the 24th meridian east of Greenwich ;

The 24th meridian east of Greenwich as far as the frontier of the Independent State of the Congo.

Inclosure 2.

Map annexed to the preceding Award.

FRONTIERA OCCIDENTALE DEL REGNO DEL BAROTSE
(WESTERN FRONTIER OF THE BAROTSE KINGDOM)

Schizzo dimostrativo annesso alla Sentenza Arbitrale di S.M. il Re d'Italia
del 30 Maggio 1905.

(Explanatory Sketch Map annexed to the Arbitral Award of
H.M. the King of Italy, given May 30th. 1905.)

Laboratorio fotolitografico del Ministero della Guerra

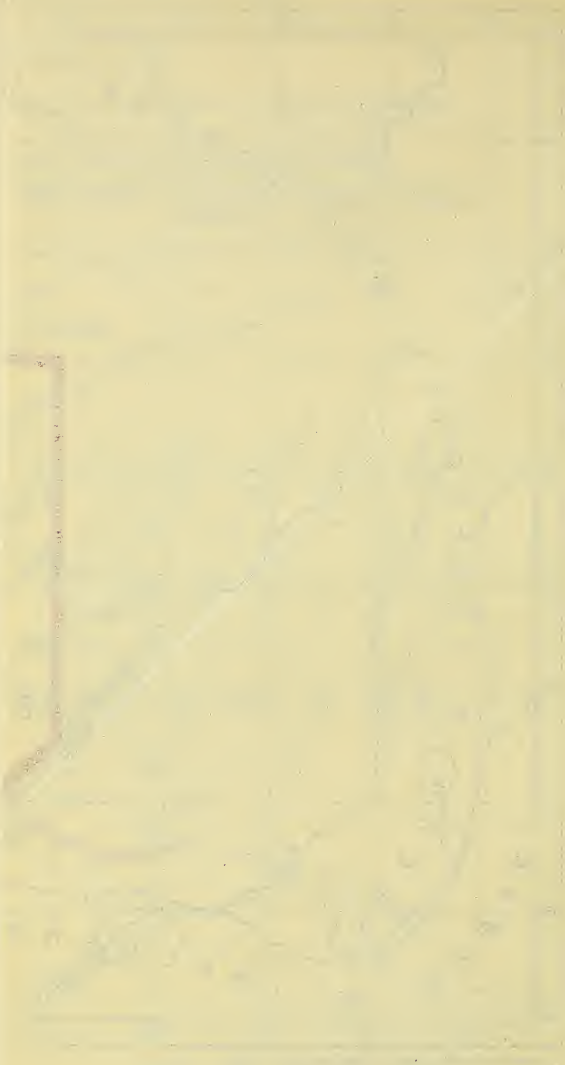
Ridotto dalla Carta annessa alla
Memoria della Gran Bretagna

(Reduced from the Map annexed
to the British Case)

T.S.G.S. Nº 2371

Scala di 1: 6,000,000
0 50 100 150 200 250 300 km

Ordnance Survey Southampton



[North and South of Zambesi, and Nyasaland Protectorate, and Portuguese Territory.]

No. 327.—*PROTOCOLS OF AGREEMENT signed by the Commissioners of Great Britain and Portugal for the Delimitation of the Boundary between the Possessions of the two Countries to the North and South of the Zambesi.* 21st November, 1904. 24th October, 1905.

[Under Arts. I, II and V of the Treaty of 11th June, 1891 (**No. 310**). The Boundary to the North of the Zambesi runs from the confluence of the Rivers Loangwa and Zambesi to the Peak Chorassanu where it joins the frontier demarcated by the Boundary Commission of 1899 (British Central Africa (Nyasaland) Protectorate and Portuguese Territory, see **No. 320**).

The boundary to the south of the Zambesi runs from the confluence of the Rivers Loangwa and Zambesi to the Mazoe River (see **No. 322** for continuation of the line from the Mazoe River southwards).

The Agreement arrived at by the Boundary Commissioners has not yet been confirmed by the two Governments.]

No. 328.—*EXCHANGE OF NOTES between the British and Portuguese Governments for the provisional confirmation, with certain exceptions, of the recommendations of the Joint Commissioners for the Delimitation of the Boundary between the British Central Africa Protectorate* and Portuguese East Africa. Lisbon, 15th September,* 1906.

[Under Art. I of the Treaty between Great Britain and Portugal of the 11th June, 1891 (**No. 310**). See also *Modus Vivendi* of May—June, 1893 (**No. 311**) and Agreement prolonging the same, 20th January, 1896 (**No. 314**). The recommendations of the Boundary Commissioners referred to were contained in the Articles of Agreement signed 31st July to 21st November, 1899, and 8th December, 1900 (**No. 320**).]

* Now Nyasaland Protectorate.

No. 329.—*EXCHANGE OF NOTES between the British and Portuguese Governments adopting as definitive the Boundary as demarcated between their respective Possessions in East Africa from parallel* 18° 30′ *south to the Limpopo. Lisbon, 3rd June,* 1907.

[Under Art. II of the Treaty of 11th June, 1891 (**No. 310**), and Award of Arbitration (Manica Boundary) of 30th January, 1897 (**No. 315**). The boundary adopted from 18° 30′ south latitude to the junction of the Sabi and Lundi Rivers (Manica) was as demarcated by the Joint Commissioners in 1898, Procès-Verbaux of 5th and 28th June and 14th and 15th December (**No. 318**), and the line from the Sabi and Lundi Rivers to the Limpopo was that agreed to by Notes exchanged on the 21st December, 1903, and 19th July, 1904 (**No. 325**).]

GREAT BRITAIN AND TURKEY.

(See TURKEY.)

ITALY.

ITALY.

LIST OF TREATIES, &c.

ITALY AND AFRICA (EAST COAST).

No.				Page
330	1884-1904.	List.	Treaties, &c., with Native Chiefs	1085

See also Abyssinia, &c., and Italy.

ITALY AND ASSAB, AUSSA, ETHIOPIA, ZULA, AND DANAKILS.

See Abyssinia, &c., and Italy.

ITALY (BENADIR).

331	3 Aug., 1889.	Agreement	British East Africa Company and Italy. Concession of Kismayu, Brava, Meurka, Magadisho, and Warsheikh to be made by Company to Italy when conceded by Zanzibar to Company	1088
332	18 Nov., 1889.	Deed	Transfer by British East Africa Company to Italy of Company's rights over Brava, Meurka, Magadisho, and Warsheikh. Joint occupation of Kismayu	1091
350	19 Nov., 1889.	Notification.	Italian Protectorate over Portions of East Coast of Africa (Benadir)	1125
—	4 Mar., 1890.	Concession	Sultan of Zanzibar to British East Africa Company. Kipini to Mruti. Lamu. Manda. Patta. Kwyho. Benadir Ports :—Kismayu, Brava, Meurka, Magadisho, and Warsheikh. (See East Africa Protectorate.) (Amended by Agreement of 5th March, 1891.)	
—	5 Mar., 1890.	Letter	Consent of Sultan of Zanzibar to arrangements between Company and Italy. Benadir Ports. (See East Africa Protectorate.)	
333	8 Apr., 1890.	Notification....	Concession granted by Zanzibar to British East Africa Company of administration of Ports north of Kismayu and of Brava, Meurka, Magasdisho, and Warsheikh, transferred to Italy	1094
	5 Mar., 1891.	Suppl. Agreement.	Modification by Sultan of Zanzibar of Concession to British East Africa Company of 4th March, 1890. Wanga to Kipini; Lamu, Manda, Patta, and Kismayu conceded to Company "in perpetuity." Benadir Ports :—Brava, Meurka, Magadisho, Warsheikh, and Mruti undisturbed. (See East Africa Protectorate.)	

No.				Page
334	12 Aug., 1892.	Agreement	Concession by Zanzibar to Italy of Benadir Ports:—Brava, Meurka, Magadisho, and Warsheikh	1094
335	15 May, 1893.	Supplementary Agreement.	Italy and Zanzibar. Provisional Administration of the Benadir Ports for three years by the Italian Government	1100
336	1 Sept., 1896.	Additional Article.	Italy and Zanzibar. To Agreement of 12th August, 1892. Rent to be paid by Italian Government	1103
337	25 May, 1898.	Convention....	Italian Government and Commercial Company of Benadir. Administration of Benadir territories by Company	1104
—	13 Jan., 1905.	Agreement	Great Britain and Italy. Purchase by Italy from Zanzibar Government of Benadir Coast. (See Great Britain and Italy.)	
378	5 Apr., 1908.	Decree.....	Organisation. Italian Somaliland.	1214

[For Convention of 16th May, 1908, between Italy and Ethiopia, for the Settlement of the Frontier between Italian Somaliland (Benadir) and Ethiopia, see Abyssinia and Italy, p. 420.]

ITALY AND BRITISH EAST AFRICA COMPANY.

See East Africa Protectorate. Italy (Benadir).

ITALY AND CONGO.

See Congo and Italy.

ITALY AND EGYPT.

338	25 June, / 7 July, 1895.	Agreement	Dependence of Tribes and definition of Frontiers. Baraka and Red Sea	1108
339	25 Dec., 1897.	Act	Cession by Italy to Egypt of Fort of Kassala.....	1109
340	7 Dec., 1898.	Agreement	Frontier north of the Colony of Eritrea	1110
341	7 Dec., 1898.	Agreement	Grazing Taxes in Eritrea. Tribes under Egyptian Government	1111
342	1 June, 1899.	Agreement	Frontier. Anglo-Egyptian Soudan and Eritrea (Ras Casar to Sabderat)	1113
343	16 Apr., 1901.	Agreement	Frontier. Anglo-Egyptian Soudan and Eritrea (Sabderat to Todluc).....	1115
—	22 Nov., 1901.	Declaration....	Great Britain and Italy. Soudan-Eritrean Frontier. (See Great Britain and Italy.)	
344	18 Feb., 1903.	Description....	Boundary Line. Anglo-Egyptian Soudan and Eritrea	1117
345	19 Jan., 1904.	Procès-Verbal	Frontier. Anglo-Egyptian Soudan and Eritrea (Gabei Keli and Teflenait).....	1118
377	18/19 Dec., 1907.	Procès-Verbaux	Ditto. Ditto. Ras Kasar to Jebel Injaha	1213

ITALY AND GREAT BRITAIN.

See Great Britain and Italy.

ITALY AND MIGERTINI.

No.				Page
346	7 Apr., 1889.	Treaty	Italian Protection	1119
—	16 Nov., 1894. / 7 Apr., 1895.	Declarations	Adhesion of Sultan of Migertini to "Brussels Act," 1890	1119
—	18 Aug., 1901.	Convention	Italian Protection	1120

See also Italy and Oppia.

ITALY AND NOGAL.

347	5 Mar., 1905.	Agreement	Sheikh Mohammed-ben-Abdullah (Mullah). Peace and Protection	1120

See also Great Britain and Italy.

ITALY AND OPPIA.

348	2 Mar., 1889.	Notification.	Italian Protectorate over Sultanate of Oppia. (Amended 20th May, 1889)	1123
349	20 May, 1889.	Notification. (As amended.)	Italian Protectorate over Sultanate of Oppia	1124
—	22 Nov., 1894.	Declaration.	Adhesion of Sultan of Oppia to "Brussels Act," 1890	1125
—	10 Apr., 1901.	Convention.	Provisional Administration by Sultan of Oppia of Migertini Ports	1120

ITALY AND ZANZIBAR.

See Italy (Benadir).

No. 330.—*LIST of Treaties, &c., concluded by Italy with Native Chiefs in East Africa, relating to Protection, &c.*, 1884–1904.

[See also Abyssinia, &c., and Italy, p. 420.]

No.	Place.	Date.	Subject.	Page in "Italian Treaties, &c., relating to Africa." (Rome, 1906.)
1	Gobad	Nov., 1884	Italian Protection. Non-Cession of Territory, &c.	79
[The Sultan of Gobad afterwards accepted French protection. See Treaty, France and Gobad, 2nd January, 1885, p. 633.]				
2	Habab	9 July, 1887	Italian Protection	182
3	Zula	29 July, 1888*	Seeking Italian Protection	200
4	Beni Amer	2 Dec., 1888	Act of Submission to Italian Government	209
5	Hadendoa	4 Sept., 1890	Italian Protection	306
6	Danakil Chiefs (Advimarà Assaimarà)	8 Oct., 1890†	Ditto	308
7	Ditto	15 Oct., 1890†	Delimitation. South and East Boundary of Advimarà tribe	310
8	Ad Omar	20 Oct., 1890	Italian Protection	312
9	Sabderat	20 Oct., 1890	Ditto	313
10	Hamram	20 Oct., 1890	Ditto	314
11	Baria	20 Oct., 1890	Ditto	315
12	Az Sharaf	20 Oct., 1890	Ditto	316
13	Maria Neri	20 Oct., 1890	Ditto	317
14	Maria Rossi	20 Oct., 1890	Ditto	318
15	Mensa Bet Abrahé	20 Oct., 1890	Ditto	319
16	Mensa Bet Shacan	20 Oct., 1890	Ditto	320
17	Danakil Chiefs (Advimarà Assaimarà)	3 Nov., 1890‡	Accepting stipulations existing between Italian Government and Sultan Mohamed Anfari. Protection	323
18	Begiuc	11 Nov., 1890	Italian Protection	325
19	Bet Mala	11 Nov., 1890	Ditto	326
20	Ad Ecched	11 Nov., 1890	Ditto	327
21	Itala (Athel)§	7 Mar., 1891	Ditto	336
22	Ba Dullohanta (Rer Ali)	14 Mar., 1891	Ditto	337
23	Rer Ugas Skoscen	20 Mar., 1891	Ditto	338
24	Mogadiscio	24 Mar., 1891	Ditto	339
25	Bardera	3 April, 1893	Ditto	388
26	Lugh‖ (Ali Hassan Nur)	9 June, 1893¶	Ditto	403

* See Italian Notification of 2nd August, 1888, p. 452.
† See also 3rd November, 1890.
‡ See also 8th October, 1890.
§ The administration of Itala was assumed by the Filonardi Company in consideration of a subvention of 50,000 lire a year by Notes exchanged with the Italian Minister for Foreign Affairs on the 30th June and 4th and 5th July, 1892.
‖ See also Di-Godia.
¶ See also 1st June and 21st November, 1895.

No.	Place.	Date.	Subject.	Page in "Italian Treaties, &c., relating to Africa." (Rome, 1906.)
27	Goluin	2 Aug., 1894*	Italian Protection	451
28	Abgal	17 Sept., 1894	Ditto	450
29	Nadalan	22 Sept., 1894	Ditto	452
30	Gheledi e Nadan	3 Nov., 1894†	Ditto	450
31	Avdeghele	8 Dec., 1894	Ditto	450
32	Boran (Bimal)	11 Dec., 1894	Ditto	450
33	Ismin (Bimal)	17 Dec., 1894	Ditto	450
34	Mursula-Berri	27 Dec., 1894	Ditto	451
35	Goluin	26 Jan., 1895‡	Ditto	451
36	Tuni	3 Feb., 1895	Ditto	451
37	Lugh (Ali bin Sultan Hassanó Bahmalla)	1 June, 1895	Seeking Italian protection	485
38	Lugh§ (Ali Hassan Nur)	21 Nov., 1895‖	Italian protection	488
39	Di-Godia	25 Nov., 1895	Ditto	491
40	Ditto and Lugh	8 Dec., 1895	Peace (Provides that the people of Di-Godia, if attacked, shall be able to enter Lugh under the protection of the Italian Government)	493
	Somali Tribes—			
41	Garra-Ganana	20 Dec., 1895	Act of submission to Italy	496
42	Garra Marra	20 Dec., 1895	Ditto	497
43	Merehan	17 Feb., 1896	Ditto	499
44	Gani-Liban	21 Feb., 1896	Ditto	500
45	Bon Merehan	24 Feb., 1896	Ditto	501
46	Anionto	29 Feb., 1896	Ditto	502e
47	Aulian	3 Mar., 1896	Ditto	503
48	Uaisle	4 Nov., 1896	Italian Protection	512

[Convention recognised by Jusuf Ali, Sultan of Obbia, by Declaration signed at Aden, 26th April, 1902.]

49	Goscia (Juba)	8 June, 1899	Italian Protection	617

[By this Declaration the Sultan of Goscia elected to remain on the Italian bank of the Juba, and renounced all past and future rights on the English bank. Communicated to the British Resident at Kismayu, 7th July, 1899.]

50	Biru	1 Jan., 1904	Friendship and Protection	706
51	Teru	4 April, 1904	Ditto	712

Note.—In the Declaration of the 13th December, 1906, annexed to the Agreement of that date between Great Britain, France, and Italy respecting Abyssinia, the Italian Government reserved to itself until a later date the communication of its frontier Treaties with Lugh, Raheita, and the Danakils (see p. 440).

* See also 26th January, 1895.
† Query 3rd December.
‡ See also 2nd August, 1894.
§ See also Di-Godia.
‖ See also 9th June, 1893.

No. 331.—*AGREEMENT between the British East Africa Company and the Italian Government, respecting the proposed Concession by the Sultan of Zanzibar to the Company of Territories, &c., on the East African Coast, including Kismayu, Brava, Meurka, Magadisho, and Warsheikh, and the Transfer of those Territories to Italy. London, 3rd August,* 1889.

(Translation.)

AGREEMENT entered into this 3rd day of August, 1889, between the Imperial British East African Company, hereinafter called "The British Company," of the one part, and M. Catalini, Chargé d'Affaires for His Majesty the King of Italy in London, for and on behalf of the Royal Italian Government, of the other part, whereby it is agreed as follows:—

Whereas, negotiations have been carried on for some time past, and are still pending, between the British Company and His Highness Seyyid Khalifa, Sultan of Zanzibar, for the cession by the said Sultan to the British Company of certain lands, territories, and countries which lie on the coast from and including Kismayu and north of the mouth of the River Juba, including the ports of Brava, Meurka, and Magadisho, with radii landwards of 10 sea miles, and of Warsheikh, with a radius of 5 sea miles:

And whereas, His Highness the said Seyyid Khalifa, Sultan of Zanzibar, by a letter dated the 15th January, 1889, addressed to His Majesty the King of Italy, through Her Britannic Majesty's Agent and Consul-General at Zanzibar, authorized His Majesty the King of Italy's Government to arrange with the British Company for the joint occupation of Kismayu:

And whereas, the Royal Italian Government are desirous of acquiring territories and ports in the East Coast of Africa, and the British Company are anxious to assist the Royal Italian Government in attaining such object:

Territory, when Conceded by the Sultan of Zanzibar to the Company, to be transferred by the Company to the Italian Government.

Brava, Meurka, Magadisho, and Warsheikh.

1. Now, it is hereby mutually agreed between the parties hereto, that when His Highness Seyyid Khalifa, Sultan of Zanzibar, concedes to and hands over according to his promises and declarations to the British Company the said lands, territories, and countries lying on such coast from and including Kismayu and north of the mouth of the River Juba, including the ports of Brava, Meurka, and Magadisho, with radii landwards of 10 sea miles, and of Warsheikh, with a radius of 5 sea miles,* the British Company shall, with the consent and approval of the Sultan, but at the expense of the Italian Government, transfer, or cause to be transferred, to the duly authorized

* See Deed of Transfer, 18th November, 1889, p. 1091, and Concession, Zanzibar to British East Africa Company, 4th March, 1890, p. 362.

Agents of the Italian Government, the aforesaid lands, territories, and countries, and the above ports of Brava, Meurka, Magadisho, and Warsheikh, to be held by the Italian Government on the same terms and conditions as those which may be contained in the Concession to be granted for the aforesaid ports and territories to the British Company, or on the best terms obtainable from the Sultan.

Joint Occupation of Kismayu.

Except as to Kismayu and its adjoining territory, which is to be jointly occupied by the parties hereto, as hereinafter provided.

Company to be Indemnified.

2. The Italian Government hereby agrees to indemnify the British Company from all expenses, reasonable demands, and claims, if any, that may arise by reason of the provisions of this Agreement, or in the carrying out of the same.

Joint Occupation by the Company and the Italian Government of Kismayu.

3. The British Company agree with the Italian Government upon an equal joint occupation of Kismayu and its adjoining territory as conceded by the Sultan, which will be jointly and equally held and administered by the two Contracting Parties. Both the British Company and the Italian Government shall possess at Kismayu and its adjoining territory perfect equality of rights and privileges, but subject always to terms, if any, of the Concession to be granted as aforesaid. The Italian Government and the British Company shall bear and pay an equal share of the cost of administration, and shall divide equally the net returns from Kismayu and its adjoining territory. The detailed provisions for arriving at a *modus vivendi*, and carrying out in the most friendly way the provisions of this clause, are to be agreed upon and settled at Kismayu by the Agents of the Italian Government and the Agents of the British Company duly authorized as soon as possible after Kismayu has been handed over by the Sultan of Zanzibar to the British Company, and by the British Company to the Italian Government.

Limitation of Italian Sphere of Influence.

4. The Italian Government bind themselves to limit the Italian sphere of influence and operations on the East African continent by refraining from exercising any political or other influences, accepting Protectorates, making acquisitions of lands, or interfering with the extension of British influence on the territories or over the tribes lying to the west or south of a line drawn from the north bank of the mouth of the Juba River, and intended to keep always on the north and east sides of the River Juba to the point where the 8th degree of north latitude intersects the 40th degree of east longitude, and a line drawn direct from the above-named point and running over the parallel

intersecting the 35th degree of east longitude of the meridian of Greenwich.

Limitation of Company's Sphere of Influence.

On their part the British Company agree and bind themselves to limit the said British Company's sphere of influence and operations on the East African continent by refraining from exercising any political or other influence, accepting Protectorates, making acquisitions of lands, interfering with the extension of Italian influence on the territories or over the tribes lying to the east and north-east of the lines above specified, provided, nevertheless, that if the course of the Juba River should, on survey, be ascertained to flow at any points to the north or east of the above-mentioned lines, then the northern or eastern bank of the said river, as the case may be, shall at such points be accepted as the line of demarcation between the said parties. This proviso, however, shall only extend to deviations of the said river up to the point where the 8th degree of north latitude intersects the 40th degree of east longitude. The above-mentioned lines are distinctly marked in red on the Map annexed hereto,* and which Map, for the purposes of identification, has been signed by the parties hereto.

Navigation of the River Juba.

5. It is hereby further agreed that the Italian Government shall have joint and equal rights with the British Company of navigation on the River Juba and its tributaries so far as it may be requisite to give the Italian Government free access to the territories reserved to its sphere of influence as above mentioned.

Disputes respecting Interpretation or Execution of Agreement to be submitted to Arbitration.

6. The two Contracting Parties agree that any controversies which may arise respecting the interpretation or the execution of the present Agreement, or the consequences of any violation thereof, shall be submitted, when the means of settling them by means of an amicable arrangement are exhausted, to the decision of the Commissions of Arbitration, and that the result of such arbitration shall be binding upon both Contracting Parties. The members of such Commissions shall be elected by the two Contracting Parties by common consent, failing which, each of the parties shall nominate an Arbitrator, or an equal number of Arbitrators, and the Arbitrators thus appointed shall select an Umpire.

Right of Italian Government to Delegate its Privileges, &c., to the Royal Italian East African Company.

7. The Royal Italian Government reserve to themselves full power to delegate all their rights, powers, and privileges belonging to them, or acquired through the present Agreement, to an Italian Company,

* Not published with Agreement.

in course of formation, to be called "The Royal Italian East Africa Company," or some such similar name, binding themselves, however, that the said Italian Company shall comply with all obligations undertaken herein by the Italian Government, who will themselves remain responsible for the strict compliance with the obligations herein contained.* This Agreement to be construed according to English law.

Done and signed at London, in duplicate, in the English and Italian languages, with the understanding that the English text shall be binding, this 3rd day of August, in the year 1889.

W. MACKINNON.
T. CATALANI.

Signed by the said Sir W. Mackinnon and Signor Catalani in the presence of—

GEORGE S. MACKENZIE.
3rd August, 1889.

Reservation of Right of Company to modify Boundaries.

Notwithstanding the boundaries herein specified, the Imperial British East Africa Company shall have the right to require that the boundary shall be modified by drawing a line in a north-westerly direction, from about the 37th degree of east longitude, on the 8th degree of north latitude, to a point on the Blue Nile, or Abawi River, westward of the 37th degree of east longitude; which river shall be the boundary to the 35th degree of east longitude; thereafter the boundary westwards and northwards shall be as marked on the map.†

No. 332.—*DEED OF TRANSFER executed between the British East Africa Company and the Italian Government, for the Concession to Italy of the Company's Rights and Privileges in the Port of Brava, Meurka, Magadisho, Warsheikh, and Mruti, subject to the approval of the Sultan of Zanzibar.*‡ *18th November*, 1889.

THIS Indenture was made this 18th day of November, 1889, between the Imperial British East Africa Company, of No. 2, Pall Mall East, London (hereinafter called the Company), of the one part, and Thomas Catalani, Chargé d'Affaires for His Majesty the King of Italy in London, for and on behalf of the Royal Italian Government, of the other part:

Brava, Meurka, Magadisho, and Warsheikh.

Whereas by an Agreement made the 3rd day of August, 1889 (**No. 331**), between the Parties hereto, after reciting that negotiations

* See Deed of Transfer, 18th November, 1889, on this page, and Concession, Zanzibar to British East Africa Company, 4th March, 1890, p. 362, with letter from the Sultan of Zanzibar of 5th March, 1890, giving his consent to arrangements between the Company and the Italian Government.

† See map facing p. 1116.

‡ See Concession, Zanzibar to British East Africa Company, 4th March, 1890, p. 362.

had been carried on for some time past, and were still pending, between the Company and His Highness Sayyid Khalifa, Sultan of Zanzibar, for the cession by the said Sultan to the Company of certain lands, territories, and countries which lie on the coast, from and including Kismayu, and north of the mouth of the River Juba, including the ports of Brava, Meurka, and Magadisho, with radii landwards of 10 sea miles, and of Warsheikh, with a radius of 5 sea miles; and that His Highness the said Sayyid Khalifa, Sultan of Zanzibar, by a letter dated the 15th January, 1889, addressed to His Majesty the King of Italy through Her Britannic Majesty's Agent and Consul-General at Zanzibar, authorized His Majesty the King of Italy's Government to arrange with the Government for the joint occupation of Kismayu; and that the Royal Italian Government were desirous of acquiring territories and ports on the East Coast of Africa, and the Company were anxious to assist the Royal Italian Government in attaining such object: It was mutually agreed between the parties thereto (*inter alia*) that when His Highness Sayyid Khalifa, Sultan of Zanzibar, conceded to and handed over, according to his promises and declarations to the Company, the said lands, territories, and countries lying on such coast, from and including Kismayu, and north of the mouth of the River Juba, including the ports of Brava, Meurka, and Magadisho, with radii landwards of 10 sea miles, and of Warsheikh, with a radius of 5 sea miles, the Company should, with the consent and approval of the Sultan, but at the expense of the Italian Government, transfer or cause to be transferred to the duly authorized Agents of the Italian Government the aforesaid lands, territories, and countries, and the above ports of Brava, Meurka, Magadisho, and Warsheikh, to be held by the Italian Government on the same terms and conditions as those which might be contained in the Concession to be granted for the aforesaid ports and territories to the Company, or on the best terms obtainable from the Sultan,

Kismayu. Joint Occupation.

Except as to Kismayu and its adjoining territory, which was to be jointly occupied by the parties thereto as therein provided. And the Italian Government thereby agreed to indemnify the Company from all expenses, reasonable demands, and claims, if any, that might arise by reason of the provisions of the reciting Agreement or in the carrying out of the same. And whereas by Concession, dated the 31st day of August, 1889, the Sultan of Zanzibar, with (as therein stated) the concurrence of the British Government, thereby granted a lease of his possessions to the Company on the following conditions, namely:—

[Here follow the words of the Agreement between Great Britain and Zanzibar of 31st August, 1889 (**No. 66**).]

And whereas the Royal Italian Government are desirous that the Company should, by virtue of the provisions of the above-recited Agreement of the 3rd day of August, 1889 (**No. 331**), execute such transfer as is hereinafter contained; and whereas the Company have not yet had the time or been able to apply for and obtain the consent

and approval of the Sultan of Zanzibar to the said intended transfer, but steps are now being taken to apply for such consent and approval :—

*Transfer by Company to Italian Government of Coast from (but not including) Kismayu to North of the Mouth of the Juba River, including Brava, Meurka, Magadisho, Warsheikh, and Mruti, subject to approval of Sultan of Zanzibar.**

Now, this Indenture witnesseth that in pursuance of the herein-before-recited Agreement of the 3rd day of August, 1889 (**No. 331**), the Company do hereby (subject to the consent and approval of the Sultan of Zanzibar being obtained to this present transfer) transfer to the Royal Italian Government and their assigns all the towns, lands, and possessions on the coast from (but not including) Kismayu, and north of the mouth of the River Juba, including the ports of Brava, Meurka, and Magadisho, and Warsheikh and Mruti, to hold unto the Royal Italian Government and their assigns for all such estate and interest as the Company have therein under or by virtue of the herein-before-recited Concession of the 31st day of August, 1889 (**No. 66**), but subject to the terms and provisions of the said Concession of the 31st day of August, 1889, and the said Agreement of the 3rd day of August, 1889 (**No. 331**), respectively; provided always, and it is hereby expressly agreed and declared, that if the consent and approval of the Sultan of Zanzibar to this present transfer be not obtained,* then, and in such case, these presents shall be null and void, anything hereinbefore contained to the contrary notwithstanding.

In witness whereof the Imperial British East Africa Company have caused their common seal to be hereunto affixed, and the said Thomas Catalani hath hereunto set his hand and seal, the day and year first above written.

W. MACKINNON, *Director.*
W. P. ALEXANDER, *Hon. Secretary.*

Sealed with the common seal of the Imperial British East Africa Company, in the presence of—

H. GOODWYN STEPHENSON, *Solicitor,*
31, *Lombard Street, London.*

(For and on behalf of the Royal Italian Government)

T. CATALANI.

Signed, sealed, and delivered by the above-named Thomas Catalani, in the presence of—

H. GOODWYN STEPHENSON, *Solicitor,*
31, *Lombard Street, London.*

Note.—For Italian Notification of Protectorate over portions of East Coast of Africa lying between the Benadir Ports, of 19th November, 1889, see p. 1125.

* See Concession from Sultan of Zanzibar to British East Africa Company of 4th March, 1890, p. 362; and Sultan's Letter, 5th March, 1890, p. 363.

No. 333.—*ITALIAN NOTIFICATION. Concession granted by Zanzibar to British East Africa Company of Administration of Ports North of Kismayu, and of Benadir Ports of Brava, Meurka, Magadisho, and Warsheikh, transferred to Italy.* 8*th April*, 1890.*

NOTE VERBALE *communicated to the British Government by Count Tornielli.* 8*th April*, 1890.

IN conformity with the Agreements concluded between the Italian Government and the Imperial British East African Company, signed in London on the 3rd August, 1889 (**No. 331**), and 18th November, 1889 (**No. 332**), the British Company aforesaid has handed over to the Italian Government, with the consent of the Sultan, the rights and privileges acquired under the Concession which the late Sultan Sayyid Khalifa-ben-Sayyid made to this Company (9th October, 1888, **No. 65**).

The Concession in question has been confirmed, ratified, and augmented on the 6th instant by his successor, His Highness Sayyid Ali.

The Government of His Majesty the King of Italy notifies to the Government of ——— that they will undertake without delay, in the name of the Sultan of Zanzibar, the administration of the Sultan's ports to the north of Kismayu, and of their territories, viz. : Brava, Meurka, Magadiscio, and Warscheik.

Joint British and Italian Occupation of Kismayu.

And that, in conformity with the established agreements, they will occupy Kismayu with the British Company, exercising the same rights and privileges of this Company in the aforesaid port and in the navigation of the Juba.

No. 334.—*CONCESSION of Benadir Ports granted by the Government of His Highness the Sultan of Zanzibar to the Government of His Majesty the King of Italy.* 12*th August*, 1892.†

THE Government of His Highness the Sultan of Zanzibar and its dependencies on the East Coast of Africa, by the present Agreement grants the following Concessions to the Government of His Majesty the King of Italy, who on their side accept the obligations herein contained :—

Administration by Italy of Benadir Ports :—Brava, Meurka. Magadisho, and Warsheikh.

Art. I.—The Government of His Highness the Sultan of Zanzibar makes over to the Government of His Majesty the King of Italy all

* See also Concession, 12th August, 1892, on this page.
† See also Supplementary Agreement, 15th May, 1893, p. 1100, and Additional Article of 1st September, 1896, p. 1103.

the powers which they possess over the towns and ports of the Benadir Coast, namely, Brawa, Merka, Magadisho, each with a radius landwards of 10 sea miles, and Warsheikh, with a radius landwards of 5 sea miles, and the islands in their vicinity, to be administered politically and judicially in the name of the Government of His Highness the Sultan of Zanzibar and under* his flag ; but it is understood that the Government of His Highness the Sultan will not be responsible for, and will not be called upon to defray, any expenses of administration, or others, such as those arising from war, as "blood money" ("diya"), &c., or from any claim which may arise.

Public Lands.

The Government of His Majesty the King of Italy, or their Representatives, will have the sole right of purchasing or dealing with public lands within the limits of the above-named territories.

Reservation of Rights of other Foreign Powers.

The Government of His Highness the Sultan undertakes to give every facility to the Government of His Majesty the King of Italy, and to use their authority to insure to the said Government their rights and powers, in order that this Agreement may attain its full effect. It is further agreed between the High Contracting Parties that nothing contained in the following Articles of this Concession shall in any way infringe or lessen the rights accorded by the Government of His Highness the Sultan of Zanzibar to the subjects or citizens of Great Britain, the United States of America, France, Germany, or any other foreign Powers having Treaty relations with the Zanzibar Sultanate, or the obligations which are or may be imposed by adhesion to the General Act of Berlin, 1885 (**No. 128**), or the General Act of the Brussels Conference, 1890 (**No. 130**).

Power of Italian Government to concede its Rights to an Italian Company.

Art. II.—The Government of His Highness the Sultan of Zanzibar authorizes the Government of His Majesty the King of Italy to concede the administration of the towns and ports of the Benadir Coast, which form the object of the present Concession, to an Italian Company which will be charged with the administration of the towns, ports, and territories in the name of His Highness the Sultan and under* his flag; but always on the responsibility of the Government of His Majesty the King of Italy. The Delegates of the Italian Company, in the name and with the authorization of the Government of His Majesty the King of Italy, may exercise all the rights agreed upon in the present Concession, may nominate all their own officers and subordinate employés, establish Courts of Justice, and adopt any measures which they

* The substitution of the word "sous" for the expression "à l'abri" used in the original French text was agreed to by Exchange of Notes between the British and Italian Agents in Zanzibar on the 19th June, 1896.

may deem necessary or expedient for the protection and in the interests of the previously mentioned towns, ports, and territories.

Forts and Public Buildings.

The Government of His Highness the Sultan agrees to hand over to the Government of His Majesty the King of Italy, or to their Representatives, all the forts and public buildings existing at the time of the occupation of the Benadir towns by the Italian Administration, as well as all the proprietary rights possessed by them over the territories within a radius landwards of 10 sea miles from the towns of Brawa, Merka, and Magadisho, and of 5 sea miles from the village of Warsheikh.

Taxes, Tributes, Dues, Tolls, Import and Export Duties.

The Government of His Highness the Sultan furthermore authorizes the Government of His Majesty the King of Italy, or their Representatives, to levy any taxes, tributes, dues, and tolls, import and export duties, and to take any measure which

Expenses of Local Government, Public Forces, Justice, Roads, Harbours, &c.

they may consider necessary to meet the expenses of the Local Government, for the maintenance of public forces, for the administration of justice, the construction of roads, harbours, and other public works, defensive or otherwise, and for the liquidation of debts and payment of interest upon capital expended.

Appointment of Judicial Officers.

The Governors, all the Judicial officers, and the officials of all ranks shall be appointed by the Italian Government or their Representatives.

Payment of Governors, Judges, Troops, &c.

The stipends of the Governors, Arab and native Judges, all officers and officials, and the cost of the troops, shall all be paid by the Government of His Majesty the King of Italy or by their Representatives.

Right to Trade, to hold Property, to erect Buildings, and acquire Lands, &c.

Art. III.—The Government of His Highness the Sultan of Zanzibar grants to the Italian Company which, with the authority of the Government of His Majesty the King of Italy takes over the administration of the towns and territories of the Benadir Coast, which form the object of the present Concession, or to the Company's representatives, the right to trade, to hold property, to erect buildings, to acquire lands or buildings by purchase or negotiation, anywhere within the towns and territories above mentioned, with the consent of the proprietors of any such lands and houses.

Taxes, Trade, Commerce, Navigation, Fisheries, Roads, Railways, Harbours, &c.

Art. IV.—The Government of His Highness the Sultan of Zanzibar grants to the Government of His Majesty the King of Italy, or to their Representatives, the exclusive privilege of levying taxes on the inhabitants, and powers to regulate trade and commerce, and also navigation, to control the fisheries, to construct roads, tramways, railways, canals, harbours, telegraphs, &c.; to levy taxes and dues on these works of public

Power to Control or Prevent Import of Arms, Ammunition, Spirituous Liquors, &c.

utility; and also the power to control or prevent the importation of any merchandize, arms, ammunition of all sorts, alcoholic liquors, or any other goods which in the opinion of the Government of His Majesty the King of Italy, or of their Representatives, are detrimental to law, order, and public morality, and in respect of which the Government of His Highness the Sultan is under no obligation to other Governments. But it is clearly understood that the exercise of these rights and privileges shall be in conformity with the Treaties existing between the Zanzibar Sultanate and foreign Powers—and with the obligations which are or could be imposed by adhesion to the General Act of Berlin, 1885 (**No. 128**), and to the General Act of the Brussels Conference, 1890 (**No. 130**).

Custom-houses. Smuggling.

Art. V.—The Government of His Highness the Sultan of Zanzibar authorizes the Government of His Majesty the King of Italy, or their Representatives, to establish custom-houses and to levy dues and tolls on any vessels and goods arriving at or departing from the ports beforementioned, and to take all necessary measures for the prevention of smuggling, subject in all cases to the Treaties, Acts, and Conventions above named.

Banks.

Art. VI.—The Government of His Highness the Sultan of Zanzibar grants to the Government of His Majesty the King of Italy, or their Representatives, the right to establish a bank or banks, in the towns which form the object of the present Concession, with the exclusive privilege of issuing notes and gold, silver and copper moneys, on the condition that they conform to any engagements previously entered into by His Highness the Sultan or by his predecessors.

Duration of Concession for 25 Years.

Art. VII.—All the aforesaid powers, rights, and privileges are granted to the Government of His Majesty the King of Italy, or their Representatives, for a term of 25 European years, to commence from the day on which the present Concession shall be approved by the

Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, and by the Government of His Majesty the King of Italy.

Power of Renewal of Concession.

At the expiration of this term of 25 European years the present Concession can be renewed for a corresponding term of 25 years, on the same conditions, by a simple declaration to that effect on the part of the Government of His Majesty the King of Italy.

*Reversion of Public Works, Buildings, &c., to Sultan of Zanzibar after 25 or 50 Years.**

At the expiration of the term of 25 years or 50 years all the public works, buildings, railways, &c., shall revert to the Government of His Highness the Sultan, if they so desire it, at a valuation to be fixed by arbitrators chosen by both parties ; except such buildings and constructions as shall have been handed over gratuitously by the Government of His Highness the Sultan to the Government of His Majesty the King of Italy, or their Representatives, which shall be returned in like manner (gratuitously).*

" Régie," or Lease of Customs.

Art. VIII.—The Government of His Highness the Sultan of Zanzibar grants to the Government of His Majesty the King of Italy, or their Representatives, the " régie," or lease, of the Customs of the above-mentioned ports for the period of 25 years or 50 years, as aforesaid, on the following conditions, namely :—

The Government of His Majesty the King of Italy undertakes to pay to the Government of His Highness the Sultan of Zanzibar a sum of 40,000 rupees, as a premium, on the Italian Administration taking over possession of the ports, towns, and territories which form the object of the present Concession,* and thereafter the sum of 40,000 rupees at the end of each quarter of the European year.†

Duties not to be Claimed twice over.

But it is clearly understood that the Government of His Highness the Sultan of Zanzibar shall not claim twice over the import and export duties on the trade in the towns of the Benadir Coast which form the object of the present Concession,

Drawbacks.

and that the Government of His Majesty the King of Italy, or their Representatives, shall be entitled to claim a " drawback " for the amount of any customs duties which may be paid direct to the Govern-

* See Supplementary Agreement, 15th May, 1893, p. 1100.

† The rent of 40,000 rupees a quarter was reduced to 30,000 rupees by Additional Article of the 1st September, 1896, p. 1103.

ment of His Highness the Sultan of Zanzibar on any imports to or exports from the ports of the Benadir Coast, from the date of the present Agreement coming into force.

Administrative, Judicial, and other Powers. Most-favoured-nation Treatment.

Art. IX.—It is clearly understood that all administrative, judicial, and other powers granted by the present Agreement shall be exercised by the Government of His Majesty the King of Italy, or by their Representatives, in the name of His Highness the Sultan of Zanzibar's Government, and under his flag, and that the Government of His Majesty the King of Italy, or their Representatives, shall enjoy all the rights, privileges, immunities, and advantages which are, or hereafter may be, accorded to any other Government, Company, or individual, to whom the Government of His Highness the Sultan of Zanzibar may have granted or may grant Concessions in other parts of his dominions, whether similar to those granted under the present Concession, or of a different character.

System of Annual Payment not to be altered without consent.

But the Government of His Majesty the King of Italy undertakes not to claim the right of altering the system of annual payment established by the present Concession, save with the consent or on the initiative of the Government of His Highness the Sultan, or the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India.

Date for Commencement of Agreement.

Art. X.—The present Agreement shall come into force whenever the Government of His Majesty the King of Italy shall deem expedient, by their giving to the Government of His Highness the Sultan of Zanzibar one clear month's previous notice.*

The Government of His Majesty the King of Italy shall be responsible to the Government of His Highness the Sultan of Zanzibar for the payment of the sums stipulated for in Article VIII of the present Agreement, but only from the date on which they may take over charge of the whole Administration, as above specified; it is further understood that the time of the gratuitous transfer of the custom-houses, lands, forts, public buildings, proprietary rights, &c., which the Government of His Highness the Sultan of Zanzibar possesses in the towns and territories above described, shall be fixed by special Agreement, and that a schedule of them shall be then given by the Government of His Highness the Sultan.

* Came into full force on the 15th July, 1896, on the termination of the provisional administration provided for by the Supplementary Agreement of the 15th May, 1893, p. 1100. See also Additional Article of the 1st September, 1896 (p. 1103), and Agreement of the 13th January, 1905 (p. 954), under which the ports were purchased by the Italian Government.

Agreement to be Approved by Queen of Great Britain and King of Italy.

Art. XI.—The present Agreement shall be of value only when it has been approved by the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, and by the Government of His Majesty the King of Italy.*

No Objection on part of Sultan to Concession of Towns, &c., on Benadir Coast to Italy.

Art. XII.—His Highness Seyyid Ali, Sultan of Zanzibar, has declared by his letters of 14 Rejeb, 1307 (6th March, 1890), to Mr. Mackenzie,† and of 5 Moharrem, 1310 (31st July, 1892), to Mr. Portal, that he has no objection to make to the Concession of the towns, ports, and territories of the Benadir Coast to Italy, and that he will accept whatever arrangement may be made and approved by the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, the Protecting Power of the Sultanate of Zanzibar.

French or English Texts to be Appealed to in cases of differences arising.

The present Agreement has been made out in six copies, two of which are written in the English, two in the French, and two in the Arabic language, all of one and the same tenour. Should differences arise as to the interpretation of the stipulations of the present Concession, the French or English texts alone shall be considered decisive.

In faith whereof Sir Gerald H. Portal, Her Britannic Majesty's Diplomatic Agent and Consul-General, and M. Pierre Cottoni, Acting Consul for His Majesty the King of Italy, have signed these presents and affixed their seals.

Done at Zanzibar, this 12th day of August, 1892.

(L.S.) G. H. PORTAL.
(L.S.) P. COTTONI.

No. 335.—*SUPPLEMENTARY AGREEMENT to the Agreement between Zanzibar and Italy of 12th August*, 1892, *for the Provisional Administration by the Italian Government of the Benadir Ports for the term of Three years. Signed at Zanzibar, 15th May*, 1893.‡

THE Government of His Highness the Sultan of Zanzibar and of its Dependencies on the East Coast of Africa grants by the present Supplementary Agreement to the Government of His Majesty the King of Italy the right to administer provisionally for a term of three years, according to the stipulations of the Convention of the 12th day of August, 1892 (**No. 334**), signed *ad referendum* by M. Pierre Cottoni

* See Supplementary Agreement, 15th May, 1893, p. 1100.

† For the earlier Concession of the Benadir Coast to the British East Africa Company, of which Mr. Mackenzie was a Director, see **No. 68**, 4th March, 1890 (p. 362), and **No. 70**, 5th March, 1891 (p. 365).

‡ This Agreement was approved by the Italian Chamber of Deputies, and came into force in the middle of July, 1893. It expired on the 15th July, 1896. See Additional Article of 1st September, 1896, p. 1103.

and Sir Gerald Portal, the ports, towns, and territories on the Benadir Coast enumerated in Article I of the said Convention, on the conditions specified in the following Articles :—

Payment to be made by Italy to Zanzibar in event of Evacuation of Benadir Ports.

Art. I.—Should the Government of His Majesty the King of Italy, or the Company by which they shall be represented, evacuate the said Benadir towns within or at the conclusion of the term of three years, dating from the 16th day of July, 1893, and thus abandon the Agreement signed *ad referendum* on the 12th day of August, 1892 (**No. 334**), the Government of His Majesty the King of Italy undertakes to pay to the Government of His Highness the Sultan, immediately after the evacuation, a sum of 50,000 rupees as an indemnity for the expenses which the re-establishment of the Sultan's administration in the Benadir towns and ports would occasion to the Government of His Highness; this indemnity to be raised to 100,000 rupees if any warlike operations have taken place in the country during the three months preceding the evacuation.

Reversion of certain Public Works to the Sultan.

Art. II.—Should the evacuation of the towns and ports on the Benadir Coast contemplated in the previous Article take place, such public works as roads, leading marks, or other works to which a money value cannot be assigned, which the Italian Company could not transfer to a third party nor continue themselves to work for profit, shall revert without compensation to the Government of His Highness the Sultan. The disposal of all other public works shall be regulated by Article VII of the Convention of the 12th day of August, 1892.

Customs : Payment of Premium of 40,000 *Rs. by Italy to Zanzibar.*

Art. III.—The premium of 40,000 rupees which the Government of His Majesty the King of Italy has undertaken to pay to the Government of His Highness the Sultan of Zanzibar, in accordance with Article VIII of the Agreement of the 12th August, 1892 (**No. 334**), shall only be paid when the said Agreement shall come definitely into force, to wit, after the termination of the three years of provisional administration granted by the present Supplementary Agreement, and on condition that the country be not evacuated by the Government of His Majesty the King of Italy at the conclusion of this provisional period.

Duration of Present Agreement.

Art. IV.—The provisional administration for three years in accordance with the stipulations of the Agreement of the 12th day of August, 1892 (**No. 334**), which is the object of the present Supplementary Agreement, shall commence from the 16th day of July, 1893, and shall terminate on the 15th day of July, 1896, during which period

all the clauses and conditions of the Agreement of the 12th August, 1892, shall be held to be in force, subject to the modifications made therein by the present Agreement.

Execution of Agreement.

Art. V.—Should no evacuation of the towns and ports on the Benadir Coast have taken place before the 15th day of July, 1896, the Agreement signed *ad referendum* on the 12th day of August, 1892 (**No. 334**), by M. Pierre Cottoni and Sir Gerald Portal shall, with all its clauses and conditions, from and after that date have full force.

Art. VI.—The present Agreement shall be of none effect until it shall have been approved by the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, and by the Government of His Majesty the King of Italy.

Art. VII.—The present Agreement has been drawn up in six copies, three in English and three in French.

In faith of which Mr. Rennell Rodd, Her Britannic Majesty's Acting Diplomatic Agent and Consul-General, and M. Pierre Cottoni, Acting-Consul for His Majesty the King of Italy, have signed these presents and affixed their seals.

Done at Zanzibar this 15th day of May, 1893.

(L.S.) RENNELL RODD, *Her Britannic Majesty's Acting Diplomatic Agent and Consul-General.*

(L.S.) COTTONI, *Acting Consul for Italy.*

The Sultan of Zanzibar to Mr. Rodd.

(Translation.)

(After compliments.) *Zanzibar, May*, 14, 1893.

As to the wishes of our friends the Italians regarding the Benadir ports, I hereby appoint you and give you full power in that matter to do what may seem good to you, and it is better to have this matter settled by your Honour. I have faith in you that you will do nothing but good for us.

Written by his order by his slave—

SALEM-BIN-MAHOMED.

Note.—The Concession to Italy of the Benadir Ports was publicly notified by the Sultan of Zanzibar by a Proclamation made at Zanzibar on the 22nd July, 1893.

The provisional administration of the Ports was conceded by the Italian Government to the Filonardi Company by Notes exchanged between the Italian Minister of Foreign Affairs and the Representatives of the Company at Rome on the 11th May, 1893; the Company to receive the Customs Dues over and above the Rent of 160,000 rupees a year payable to the Sultan of Zanzibar, and a subvention from the Italian Government of 300,000 lire a year. For Convention between

the Italian Government and the Commercial Company of Benadir of 25th May, 1898, under which the administration of the Benadir territories was handed over to the Company, see p. 1104.

The Benadir Coast was purchased by the Italian Government from the Government of Zanzibar under an Agreement concluded between Great Britain and Italy on the 13th January, 1905 (see GREAT BRITAIN AND ITALY, p. 954).

No. 336.—*ADDITIONAL ARTICLE to Agreement of 12th August, 1892, between Italy and Zanzibar respecting the Benadir Ports. Signed at Zanzibar, 1st September, 1896.**

ON the occasion of the Convention of the 12th August, 1892 (**No. 334**), between the Government of His Highness the Sultan of Zanzibar and the Government of His Majesty the King of Italy coming definitely into force, the Undersigned have agreed, on behalf of their respective Governments, to the following Additional Article, which will be understood to form an integral part of the above-mentioned Convention.

Additional Article.

The Government of His Majesty the King of Italy, having already paid the premium of 40,000 rupees, as stipulated in the Convention of the 12th August, 1892, undertakes, in accord with the Government of Her Britannic Majesty, to pay a rent of 30,000 rupees for every complete quarter of the European year, instead of 40,000 rupees, as laid down in Art. VIII, paragraph 2, of the above-named Convention.

This rent of 30,000 rupees for each quarter of the European year will be paid at the end of each quarter, dating from the 15th July, 1896, at which date the Convention of the 12th August, 1892, came into full force with all its other clauses and conditions.

The present Article has been drawn up in six copies, three in English and three in French.

In faith of which, Signor Antonio Cecchi, Consul-General for His Majesty the King of Italy at Zanzibar, and Basil S. Cave, Esq., Her Britannic Majesty's Acting Diplomatic Agent and Consul-General at Zanzibar, have signed these presents and have affixed their seals.

Done at Zanzibar, this 1st day of September, 1896.

(L.S.) A. CECCHI.
(L.S.) BASIL S. CAVE.

* See also Agreement between Great Britain and Italy of 13th January, 1905, p. 954, for the purchase by Italy of the Benadir Ports.

No. 337.—*CONVENTION between Italian Government and the Commercial Company of Benadir. Signed at Rome, 25th May*, 1898.

[Approved and put into force by Royal Decree of 24th December, 1899.]

(Translation.)

Art. I.—The Government engages to hand over to the "Società Anonima Commerciale Italiana del Benadir (Somalia Italiana)," having its head office at Milan, the administration of the cities and territories of Benadir,* with respective Hinterland, as at present exercised by the Government, and that at the risk of the Company, and without guarantee.

The Convention will take effect from the 1st May, 1898.

On its side, the Company engages to assist the civil and commercial development of the Colony, and to furnish a detailed account of its administration to the Italian Government, which will always have the right of watching over the work of the Company. The latter will besides develop in the most suitable manner the economic condition of the countries conceded to it, executing for that purpose all works which may be thought necessary.

There not being fixed beforehand a detailed programme of the work of the Company necessary to obtain the above-mentioned ends does not lessen its legal obligation to do whatever may be recognized as its duty, paying proper attention to everything, and that under the sanction of the laws.

In case of disagreement, the dispute will be decided in the manner laid down by Art. XVII.

Art. II.—The Government will pay to the Company from the 1st May, 1898, to the 30th April, 1910, the annual sum of 400,000 fr. in gold, and from the 1st May, 1910, to the 16th July, 1946, 350,000 fr. in gold per annum, for the maintenance of existing stations, as well as of those which the Company may hereafter found.

Art. III.—Should the territory of Lugh remain included in the Italian zone of influence, or also, should it, in accordance with future Treaties, pass to another State, with the right remaining to Italy of maintaining there a commercial station, the administration of Lugh in the one case, and of the Italian commercial station of Lugh in the other case, will, with all its rights and responsibilities, fall upon the Company, as in the case of the other stations.

Art. IV.—The Government will make use of the Company, and will hand over to it regularly the sum necessary for the payment of the annuities due to the Sultans of Obbia and of Alula, that is to say, in all 3,600 tallers of M. T., so long as the Government is under that obligation towards the said Sultans.

* For documents relating to the acquisition by Italy of the administration of the Benadir territories, see Italy (Benadir), p. 1083. For Agreement of 13th January, 1905, under which the Benadir Coast was purchased by Italy from the Government of Zanzibar, see Great Britain and Italy, p. 954.

Art. V.—The Government will apply, as regards the Company, Art. III of the British-Italian Protocol of the 24th March, 1891 (**No. 288**).

Art. VI.—The Government will grant to the Company free and gratuitous enjoyment of the mines with the power of transferring Concessions of the same to third persons, with the consent of the Government in the case of the third persons being foreigners.

The enjoyment of the mines and the Concessions to third persons must not be of longer duration than that of the Administration of the Company.

The Government will also give to the Company without payment the power to occupy all the lands which at the time of the Company's taking possession is recognized as State domains, and all real property of which it may have obtained the use and enjoyment from the Sultan of Zanzibar. The Company will be able to give Concessions for the use of these lands, for a term not longer than that of its administration, to Italians or to dependent natives and resident in the Colony. It will be able, moreover, to give Concessions to foreigners so long as the term does not exceed that of its administration, and with the previous consent of the Government.

Concessions for a term exceeding that of the administration of the Company both to foreigners and to Italians can always be made by the Government in agreement with the Company.

Art. VII.—The Company will collect for its own account the customs duties on the basis of existing Treaties and existing taxes; it can also supply new taxes or suppress existing ones, and diminish the customs duties subject to the approval of the Government.

Art. VIII.—The products of the territories to which the present Convention refers will receive the same customs treatment on their importation into the kingdom as those of the Eyrthræan Colony.

Art. IX.—The Company engages—

(*a*) To hoist the national flag.

(*b*) To pay to the Sultan of Zanzibar the annuity of 120,000 rupees or whatever lesser sum may be agreed on hereafter.

(*c*) To pay the annuities due to the Sultans of Obbia and of Alula as mentioned in Art. IV.

(*d*) To maintain in good condition all the buildings received from the Government.

(*e*) To maintain at least 600 guards for the internal security of the Colony.

(*f*) To administer justice according to the rules in force in the cities and territories conceded to it.

(*g*) To apply the General Acts of Berlin (26th February, 1885) (**No. 128**) and of Brussels (2nd July, 1890) (**No. 130**) in regard to the Slave Trade and trade in arms and spirituous liquors.

(*h*) To take up the postal service in accordance with the conditions laid down by the Postal Union.

Art. X.—The Government does not contract any obligation to defend the Colony from external attacks, but reserves to itself full

liberty of action to take such steps as it may consider necessary in the public interest.

Art. XI.—On the demand of the Government, the Company will be obliged either to expel from the Colony any Italian or foreigner, or to hand over to the Government any offender taking refuge there.

Art. XII.—The Statutes of the Company are annexed herewith as an integral part of the present Convention.

No changes can be introduced in the said Statutes under pain of forfeiture without the assent of the Minister for Foreign Affairs having been first obtained.

Art. XIII.—The Government does not assume responsibility of any sort for any credit operations made by the Company, even in the interest of the Colony, and the Company in such operations can only offer as guarantees its own private property and its private credit.

Art. XIV.—The present Convention, which will come into force on the 1st May, 1898, will remain in operation until the 16th July, 1946, at which period it will *ipso facto* expire without any need of mutual intimation.

The Government, moreover, reserves the right of rescinding the Convention on the 16th July, 1921, with previous notice of two years, should it wish to exercise its own powers and administer directly the cities and territories contemplated in the present Convention; or also if the Government did not feel disposed to continue to exercise its right of option towards the Sultan of Zanzibar as by the Convention of the 12th August, 1892 (**No. 334**).

The power of rescinding the present Convention is also given to the Company after twelve years from the 1st May, 1898, with a year's previous notice.

Art. XV.—Permanent works constructed in the initiative, and at the expense of Company, being such in their nature as to ameliorate the conditions of the finances will, at the expiration of the Contract, be accepted by the Government and paid for at a valuation, provided that the execution of such works and the plans relative to them had obtained the previous consent of the Government, reserving always to the Company its rights of cession to third parties of works not accepted by the Government.

Art. XVI.—Should the Government rescind the Convention at the end of twenty-three years, as provided for in Art. XIV, the Government will have a right to compensation, even for works undertaken without the authorization of the Government at a valuation calculated at a sum between the expenses of the works in question and the greatest profit shown.

No indemnity will be due from the Government if the rescission of the Convention is due to the act or the fault of the Company.

Art. XVII.—The value of the works for which compensation may be due will be determined by three Arbitrators. Each party will name an Arbitrator; these two Arbitrators will choose a third, and in the case of disagreement as to the choice, the execution will be referred

to the President of the Court of Cassation at Rome, where will be the seat of Arbitration.

Any question of private law arising between the Government and the Company in the execution or interpretation of the Convention will likewise be decided by Arbitration.

The judgments of the Arbitrators will be arrived at without formality or procedure, and there will be no appeal against them.

Art. XVIII.—The Company must respect the laws of the State and the Treaties in force and other Treaties which the Government may think fit to conclude or publish.

In the case of disputes, conflicts, or other difficulties between the Company and the Sultan of Zanzibar, or the Chiefs of the various tribes or the English authorities of the neighbouring territory, the Company must submit to the decision of the Minister for Foreign Affairs.

It will lie with the Arbitrators to determine, in the case of disagreement between the parties, whether the Convention has suffered material alterations by reason of new Treaties or by the measures taken as a result of conflicts.

In the case of an affirmative decision the Company will have the right of demanding the rescission of the Convention with compensation for the value of the works executed.

Art. XIX.—The act of constitution of the Company will be registered with the tax of 1 lira.

The salaries of the employés of the Company resident in the Colony will be exempt from income tax.

Art. XX.—The Company will have the right of withdrawing from the Government depôts, and possibly from those of Massowah, arms and ammunition at cost price which the Government may consider strictly necessary for the security of the stations. Beyond this all trade in arms is forbidden to the Company.

Art. XXI.—The Government will make arrangements to keep a stationnaire on the coast or in the waters of Zanzibar.

Art. XXII.—The present Convention and the privileges derived from it cannot be transferred by the Company to third parties.

Art. XXIII.—The present Convention will be registered with the tax of 1 lira, and will not be valid until approved by law.

RUDINI.
VISCONTI VENOSTA.
BRANCA.
LUZZATTI.
A. DI SAN MARZANO.
A. S. VIMERCATI.
G. MYLUIS.
DR. S. B. CRESPI.
A. CARMINATI.

Rome, 25th May, 1898.

No. 338.—*AGREEMENT between the Egyptian and Italian Governments for regulating the Dependence of the semi-nomadic Tribes, and for defining their respective Frontiers between the Baraka and the Red Sea.** *Signed at Cairo, 25th June, and at Asmara, 7th July,* 1895.

With a view to establishing in a permanent manner the dependence of the semi-nomadic tribes which exist on the frontier between the Baraka and the Red Sea, and to determining precisely the frontier separating the Italian and Egyptian territory in this region,

His Excellency Ferik Sir Herbert Kitchener Pasha, Sirdar of the Egyptian army; and

His Excellency Cavaliere Oreste Baratieri, Lieutenant-General, Governor of the Colony of Eritrea;

Authorized by their respective Governments, have agreed to the following Articles:—

Boundary Line.†

Art. I.—In the district between the Red Sea and the Baraka, the frontier line between Egypt and Eritrea, shall follow a line which, starting from Ras Kassar,‡ joins the principal branch of the Karora, about 2 kiloms. from the coast, and follows the course of the Karora up to a point marked "Karora" on the map. The frontier then follows the watershed between the torrents Aïet and Merib on the north, and the torrents Falkat and Sela on the south, up to a point on the plateau of Hagar-Nush, to be fixed by the delineators; and from the point so fixed shall proceed to join the Baraka at a point which is also left to the delineators to establish, following a clearly determined natural line. From the Baraka the line of frontier goes straight to the intersection of the 17th parallel north, with the 37th meridian east of Greenwich.

Semi-nomadic Tribes on Frontier.

Art. II.—The semi-nomadic tribes on the frontier known as the Hazerandawa (Ad-Azeri), Felunda (Aflenda), Beit Maleh (Bet Mala), and Roshaida (Rasheida), together with the sections of the Beni-Amer, at present acknowledging the authority of Sheikh Idris Hamed, are recognized as dependent on the Egyptian Government; and the Beni-Amer acknowledging Sheikhs Ali Hussein and Mahmud Sherif, as well as the Hababs, are recognized as depending on the Government of Eritrea.

Rights of Pasturage and Cultivation in respective Territories.§

Art. III.—The two Governments bind themselves to concede reciprocally, reserving to themselves the power of imposing a moderate tax in payment, rights of pasturage, and cultivation in their respective

* See Protocol for the demarcation of the British and Italian Spheres of Influence in East Africa, 15th April, 1891, p. 949.

† See further Agreement of 7th December, 1898, p. 1110.

‡ Ras Kasar was fixed as the limit of the Spheres of Surveillance to be exercised by the Governments of Great Britain and Italy on the Coast of the Red Sea, by Notes exchanged in May, 1887. See p. 946.

§§ See Agreement respecting grazing taxes, 7th December, 1898, p. 1111.

territories to such alien tribes as apply for the concession through their respective Governments. Such concession shall be limited only by the requirements of public safety and by the needs of other local tribes dependent on the Government giving the concession.

Opposition to Immigration of rebellious Tribes into respective Territories.

Art. IV.—The two Governments bind themselves reciprocally to oppose, as far as is practicable, the settlement in their respective territories of tribes who may cross the frontier in consequence of rebellion or defection of their Chiefs.

Disarmament of Frontier Tribes.

In the interests of public tranquility, the two Governments further bind themselves to take into consideration, according to the circumstances of each case, the expediency of total or partial disarmament of the tribes on the frontier, due allowance being made for the requirements of their defence.

Rebellious Tribes on Frontier.

Each of the two Governments, however, reserves to itself full liberty to decide upon the measures which it shall take in its own territory, both as regards the means of opposing the immigration of rebellious tribes, and in respect to the time, method, and extent of the disarmament to which this Article refers.

HERBERT KITCHENER,
Sirdar, Egyptian Army.

Cairo, 25th June, 1895.

GENERAL O. BARATIERI,
Italian Agent and Consul-General.

Asmara, 7th July, 1895.

No. 339.—*ACT of Cession by Italy to Egypt of the Fort of Kassala. 25th December,* 1897.

(Translation.)

THE Colonel of cavalry, Samminiatelli Zabarella, Count Carlo, commanding the Cheren-Kassala zone, for His Majesty the King of Italy, and His Excellency Parsons Pasha, Governor of Suakin and Red Sea Littoral, acting for the Government of His Highness the Khedive of Egypt, have stipulated and concluded the following Articles for the cession of the Fort of Kassala by the Government of His Majesty the King of Italy to that of His Highness the Khedive of Egypt.

Art. I.—The Fort of Kassala, with all its buildings, fortifications, dependencies, and Government estate, together with the portion of the arms, furniture, materials, war ammunition, and victuals, which are

distinctly inventoried in the appendices attached to the present Act, become from this day, 25th of December, 1897, at 12 o'clock, the full and effective property of the Government of His Highness the Khedive, through the payment of a sum to be fixed and paid according to an arrangement to be passed between the two Governments.

Art. II.—As regards what relates to the military and political jurisdiction, the Protocol of the 15th of April, 1891 (**No. 289**), remains in force, and the settling of boundaries is left to the contracting Governments if and whenever they deem it convenient to carry it out.

Art. III.—The land on which are the graves of the Italians will remain Italian property. This land is closed by a wall with a door, whose key has been handed over to the Commandant of the Kassala Fort in the name of the Khedivial Government. The said Khedivial Government binds itself to arrange for the custody of this land with the due regards. A key of this enclosure will be kept by the Italian authority.

Art. IV.—The present Agreement has been written both in the Italian and Arabic languages, and it is understood that these Acts are both accepted by the two parties in the name of their respective Governments, in their literal expression, and form the official document of the cession of the fort.

The Delegate of the Khedivial Government :
CHARLES PARSONS, *Pasha,*
Gouverneur de Suakin.

The Delegate of Italian Government :
CARLO SAMMINIATELLI, *Colonel,*
Commander of the Cheren Zone.

Kassala, the 25th December, 1897.

No. 340.—*AGREEMENT between the Governor of Suakin, representing the Egyptian Government, and the Royal Civil Commissioner for the Colony of Erythrea, representing the Italian Government, for determining the Italo-Egyptian Frontier to the North of the Colony of Erythrea. Signed at Asmara, 7th December*, 1898.*

(Translation.)

With a view to settling the Italo-Egyptian frontier from Ras Casar to the Barca (Baraka), and thus giving effect to the Convention signed by Sir H. Kitchener and General Baratieri on the (25th June) 7th July, 1895 (**No. 338**), it has been agreed by the Undersigned, viz., Colonel Parsons Pasha, Governor of Suakin and Commandant of the fort of Kassala, as Representative of His Highness the Khedive of Egypt, and Commendator Ferdinando Martini, Royal Civil Commissioner Extraordinary for the Colony of Erythræa, as Representative of His Majesty the King of Italy :—

* See Map facing p. 1116.

Art. I.—That from the point of Ras Casar, the frontier between the Italian and Egyptian territory north of the Colony of Erythræa runs along the heights of Halibai and Gabei-Helli, then strikes the course of the River Carora,* which it ascends as far as the height of Teglanait, whence it runs viâ Mount Abbeiredu to the watershed between the valley of the Carora Tabet on the south, and that of the Aitera-Arerib on the north; it follows the said watershed in a westerly direction as far as the Hill of Seiancolet, and viâ the Sigat-Tellim range, joins the plateau of Hagar Nusch, a little to the north of Mount Roribet; it follows the northern edge of the plateau as far as the top of Mount Hamoet; it runs along the Khor Afta to the wells of the same name, and thence to Mount Haar through hilly country, which forms the watershed between the middle part of the Ambacta and the Khor Lori, and from this group of mountains it runs towards the Barca, and strikes it at the junction with the Ambacta, following the chains which bound on the north the lower portion of the valley of the last-named river.

Art. II.—Two Commissioners, delegated respectively by the Egyptian and Italian Governments, will, within six months, proceed to mark out the frontier on the spot.†

Done at Asmara in Italian and Arabic, the 7th December, 1898.

CHARLES PARSONS, *Pasha.*
MARTINI.

[This Agreement was ratified by Exchange of Notes between the British and Italian Diplomatic Agents at Cairo, 6th–7th March, 1899.]

No. 341.—*AGREEMENT between Egypt and Italy, regulating Grazing Taxes to be paid by Tribes under the Egyptian Government to the Administration of Erythrea.*‡ *Signed at Asmara, 7th December,* 1898.

(Translation.)

Art. I.—The Rasheida, Ad Hasiri, Ad Aflanda, and Beit Maala tribes, who are under the Egyptian Government, and who, at certain times of the year, drive their herds for grazing purposes on to the territory of the Colony of Erythræa, will be called upon to pay, in future, a grazing tax to the Government of the Colony on the following scale :—

On each camel	3 Maria Theresa dollars.
On each cow	1 Maria Theresa dollar.
On every 20 sheep	1 Maria Theresa dollar.

Art. II.—The Government of Suakin will pay annually to the Colony of Erythræa the amount of the said tax, which it will collect from the Sheikhs of the above-mentioned tribes.

* See Procès-Verbal of 19th January, 1904, p. 1118.
† See Agreement of 1st June, 1899, p. 1113.
‡ See Arts. II and III of Agreement of $\frac{25\text{th June,}}{7\text{th July,}}$ 1895, p. 1108.

Art. III.—Until the number of cattle possessed by each tribe shall have been established by further inquiry, the following figures will be taken as a basis for the purpose of taxation :—

Rasheida—	
Camels	5,000
Ad Hasiri (Ad Azeri)—	
Camels	1,000
Cows	2,000
Sheep	50,000
Ad Aflanda—	
Camels	100
Cows	100
Beit Maalla (Bet Mala)—	
Camels	200
Cows	1,000
Sheep	5,000

Art. IV.—Two years from the date of the present Convention, and thereafter every three years, the Government of Suakin and that of Erythræa, will take steps in conjunction to ascertain what increase or decrease may have taken place in the number of the cattle of the tribes.

Art. V.—Within six months from the date of this Agreement, two Commissioners, delegated by the Governments of Suakin and Erythræa respectively, will assign a district to each of the four tribes, within which alone they will be allowed to pasture their respective flocks.

Art. VI.—The Government of Erythræa reserves the right of expelling from its territory any tribes which may pasture their flocks in lands not included in the districts assigned to them, or which may take their flocks to graze on lands belonging to tribes subject to the Government of the Colony.

Art. VII.—In the event of other tribes subject to the Egyptian Government, and not named in the present Convention, asking for leave to pasture their flocks on Erythræan territory, and of leave being granted to them to do so, they will have to pay the taxes named in Art. I.

Such application must be submitted through the Government of Suakin or through the Officer Commanding the fort of Kassala.

It is understood that such permission can only be granted for one season at a time.

Done at Asmara in Italian and Arabic, the 7th December, 1898.

CHARLES PARSONS, *Pasha.*
MARTINI.

[This Agreement was ratified by Exchange of Notes between the British and Italian Diplomatic Agents at Cairo, 6th–7th March, 1899. It was abrogated by a Convention signed at Sabderat on 28th February, 1901, which provided that each of the two Governments should reserve to itself the right to permit the temporary immigration into its territory of tribes requesting grazing facilities for their herds, and to determine the conditions of such permission.]

[Anglo-Egyptian Soudan and Erythrea. Frontier from the Baraka to Sabderat.]

No. 342.—*AGREEMENT relative to the Frontier between the Anglo-Egyptian Soudan and Erythrea.* Signed at Sabderat, 1st June,* 1899.†

FROM the point of junction of the Ambacta with the Baraka the line of frontier follows the course of the latter (Baraka) up stream to its junction with the Dada (Khasm Dada), and then, turning in a north-westerly direction, follows the Dada throughout its course to its source at the foot of the Eskénié range of hills.

The line now turns southwards and follows the watershed between the streams flowing directly to the Baraka on the east and those flowing to the Gash and Langueb on the west. This watershed is defined by the Eskénié, Koreb, and Ta-et (Taiyé) ranges of hills, by Jebel Meesat, and finally by Jebel Benéifer.

From J. Benéifer the line of frontier passes in almost a direct line to the Sabderat range, being defined south of Benéifer by the low hill Tedelaié, by Jebel Afada-Gumbit, by the hills Gelmabia and Dobadub, and finally by the peak called Deberenis, on the Sabderat range.

From Deberenis the line crosses the Sabderat range by J. Eunice to the peak called Quasana, and thence crosses Khor Sabderat to a point west-north-west on the range south of the Khor. This point has been marked by a pillar.

W. J. WALTER, *Captain and Brevet Major.*
SIMONE BONGIOVANNI.

Sabderat, 1st June, 1899.

Schedule showing the Pillars erected on the Italo-Soudan Frontier between Ras Kasar (Red Sea Coast) and Sabderat.

1st Section.—Ras Kasar to Khasm Ambacta.

1. *Ras Kasar.*—A pillar built of stone and cement on the coast.
2. *J. Halibai.*—A pillar of stones.
3. *J. Gabir Kelli.*—A pillar of stones.

4 and 5. *Karora.*—These pillars are erected on either bank of the Karora, some 600 yards west of the principal wells. The Karora west (up stream) of these pillars is in Italian territory.

6. *J. Abei Nedu (Dumbobiet).*—A pillar of stones on the central hill of the group.

7. *J. Dob.*—A pillar of stones on the watershed between the Aitara (Aiet) and the Tabbeh. This watershed clearly defined by J. Dob (a conical peak). The pillar erected close to track taken by Arabs crossing from one valley to the other.

8. *Shinkoolat Pass.*—A pillar of stones erected some 200 yards south

* See Agreement of 7th December, 1898, p. 1110, and further Agreement of 16th April, 1901, p. 1115.

† See Map facing p. 1116.

[Anglo-Egyptian Soudan and Erythrea. Frontier from the Baraka to Sabderat.]

of pass. This pass crosses the watershed between the Arerib (Mashail) and the Adobaha.

9 and 10. *Khor Afta.*—Two pillars erected on prominent peaks on either side of gorge through which the Afta passes.

11 and 12. *Khasm Derehib.*—Two pillars erected on either side of the junction of Derehib with Afta. This junction is from 5 to 6 miles from Pillars 9 and 10.

13. *West of J. Robobo.*—A pillar erected on the watershed between Afta (Looi) and Ambacta. The Khors rising from this watershed, and falling respectively into these streams, are both called Derehib.

14. *J. Aar.*—A pillar of stones erected on the southernmost peak of the range called J. Aar.

15. A pillar erected on the low range of hills forming watershed between Tebhaiteit and Ambacta (between the Baraka and J. Aar).

16 and 17. *Baraka* (*Khasm Ambacta*).—Two stone pillars erected just north of and on either bank of Baraka, at its junction with Ambacta.

2nd Section.—Khasm Ambacta and Sabderat.

18. *Khasm Dada.*—A pillar of stones on the north bank of Dada at its junction with the Baraka.

19. *J. Koreb.*—A pillar of stones on the neck joining a conical peak (Rabussom) to the southernmost group of J. Koreb. The frontier passes west of J. Koreb till it joins it by this col.

20. *Near J. Meesat.*—A pillar of stones erected on the southern extremity of the range called Ya-et (Taiyé It).

21. *Tedelai-é.*—A pillar of stones on the low hill of this name.

22. *Gelmabia.*—A pillar of stones on the low hill of this name.

23. *Dobadob.*—A pillar of stones on a conspicuous hill of this name.

24 and 25. *Quasana.*—A pillar of stones on the north of the Khor running between the two groups of hills called Sabderat (Tam-rat). This pillar should be visible to any one entering the gorge from the west. Another pillar erected half way up the hill side.

26 and 27. Two pillars on the south side of the above-mentioned gorge, one above the other.

W. J. WALTER,
Captain and Brevet Major, Lancashire Fusiliers.

Cairo, 12th July, 1899.

[Anglo-Egyptian Soudan and Erythrea. Frontier from Sabderat to Todluc.]

No. 343.—*AGREEMENT respecting the Frontier between the Anglo-Egyptian Soudan and Erythræa from Sabderat to Todluc. Signed at Todluc, 16th April*, 1901.*

COMMENCING from the last pillar erected in 1899† by Major Walter and Captain Bongiovanni on the south of the Kassala–Sabderat road, the boundary runs in a southerly direction practically in a straight line to Jebel Anderaib, situated about 3 kilom. from the right bank of the Gash; from there it turns nearly due west to a point on the Gash south of Jebel Gulsa, which it leaves entirely in Soudan territory; from the right bank of the Gash it runs straight to the highest point of Jebel Abu Gamal.

From Jebel Abu Gamal it proceeds in a straight line to a point in latitude 14° 52′ north, on the right bank of the Atbara in the small district of El Egeiri, which is bounded on the north by the districts of El Yoya and El Rumeila, and on the south by that of El Alim.

From this point it ascends the deepest channel of the Atbara till it reaches its junction with the Setit, where it leaves the Atbara and ascends the deepest channel of the Setit to a point between the districts of El Gireiish and Abuda.

From here it proceeds in a straight line on a true bearing of about 56° east of north to Todluc, leaving within the territory of Erythræa the group of low hills known as Jebel Alaklai.

Done in double original at Todluc, the 16th day of April, 1901.

M. G. TALBOT, *Miralai, Commissioner for the Soudan.*

GIUSEPPE COLLI DI FELIZZANO, *Tenente Piemonte Reale Cavalieria incaricato per il Governo dell'Eritrea.*

Soudan-Erythræa Boundary from Sabderat to Todluc.‡

Description of Boundary Marks.

No. 1.—As the last pillar erected south of the Kassala–Sabderat road had to be placed a little down the north side of the slope in order to be visible from the road, another pillar (No. 1), was made on the ridge a few feet higher and in the same line, so as to be visible from the south.

It is of rough dry stone.

No. 2.—A similar pillar was erected on a low hill called Jebel Ab Nu at the foot of the hill on which No. 1 is situated and distant about 2½ kilom. from that pillar. It is practically in the line from No. 1 to Jebel Anderaib.

No. 3.—The large rock at the summit of Jebel Anderaib, which hill

* Modified by Agreement between Great Britain, Italy and Ethiopia of 15th May, 1902, p. 433.

† See Agreement of 1st June, 1899, p. 1113.

‡ See Diagram Map facing p. 1116, Map No. 36 in Atlas, or Pouch, and General Map facing p. 1116.

is north of the Khor Anderaib and a little over 3 kilom. south-east by east of Jebel Gulsa.

No. 4.—A point on the right bank of the Gash, south of Jebel Gulsa; from this point the true bearing from north by east of the summit of Jebel Abu Gamal is 232¼°.

The position was agreed upon and temporarily marked in the presence of Bimbashi Savile, Inspector, Kassala Mudiria, who kindly undertook to erect a tripod of dom palm trunks to mark it.

Nos. 5 and 6 are in the line from No. 4 to the summit of Jebel Abu Gamal, and are situated on an island and on the left bank of the Gash respectively.

Bimbashi Savile kindly undertook to arrange for the erection of similar tripods to mark these two spots.

No. 7.—The highest point of Jebel Abu Gamal; it is unclimbable and unmistakable.

No. 8.—A small pillar of stones about 500 metres in the direction of Jebel Abu Gamal from No. 9.

No. 9.—A fairly conspicuous mound on some rising ground overlooking the right bank of the Atbara and about 200 metres from it. The ground round it appears to have been at one time used as a burial ground.

A large heap of rounded water-worn stones has been erected on the highest point, which is practically on the parallel of 14° 52′ north.

No. 10.—A pillar of rough, friable stone erected just above the right bank of the Setit at the point where that river makes a very remarkable change of direction from north-north-west to south, and between the districts of El Gireiish and Abuda.

From this point the approximate true bearing from north of No. 11 is 56°.

No. 11.—The locality known as Todluc was established to be an open marshy space 600 by 250 metres, situated in a curve on the left bank of the Gash, and approximately in north latitude 15° 8′, and longitude 37° 7′ east of Greenwich.

On the south-east edge of it is a well or spring, 120 metres from which, on a true bearing of 199° from north by east is a low mound on which was erected a pillar of rough stones to mark the point claimed by the Government of Erythræa as representing Todluc for the purposes of drawing the boundary from it to the Setit.

Done in double original at Todluc, the 16th day of April, 1901.

M. G. TALBOT, *Miralai, Commissioner for the Soudan.*

GIUSEPPE COLLI DI FELIZZANO, *Tenente Piemonte Reale Cavalièria incaricato del Governo dell'Eritrea.*

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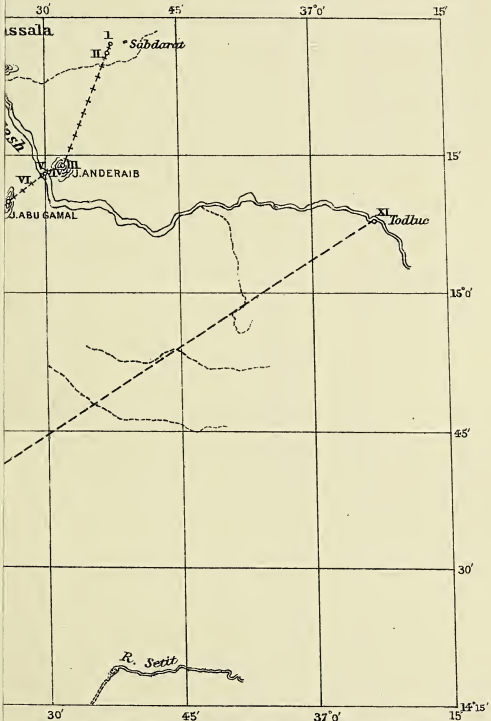
SOUDAN-ERITREA FRONTIER
OF SABDERAT.
OF APRIL 16, 1901.

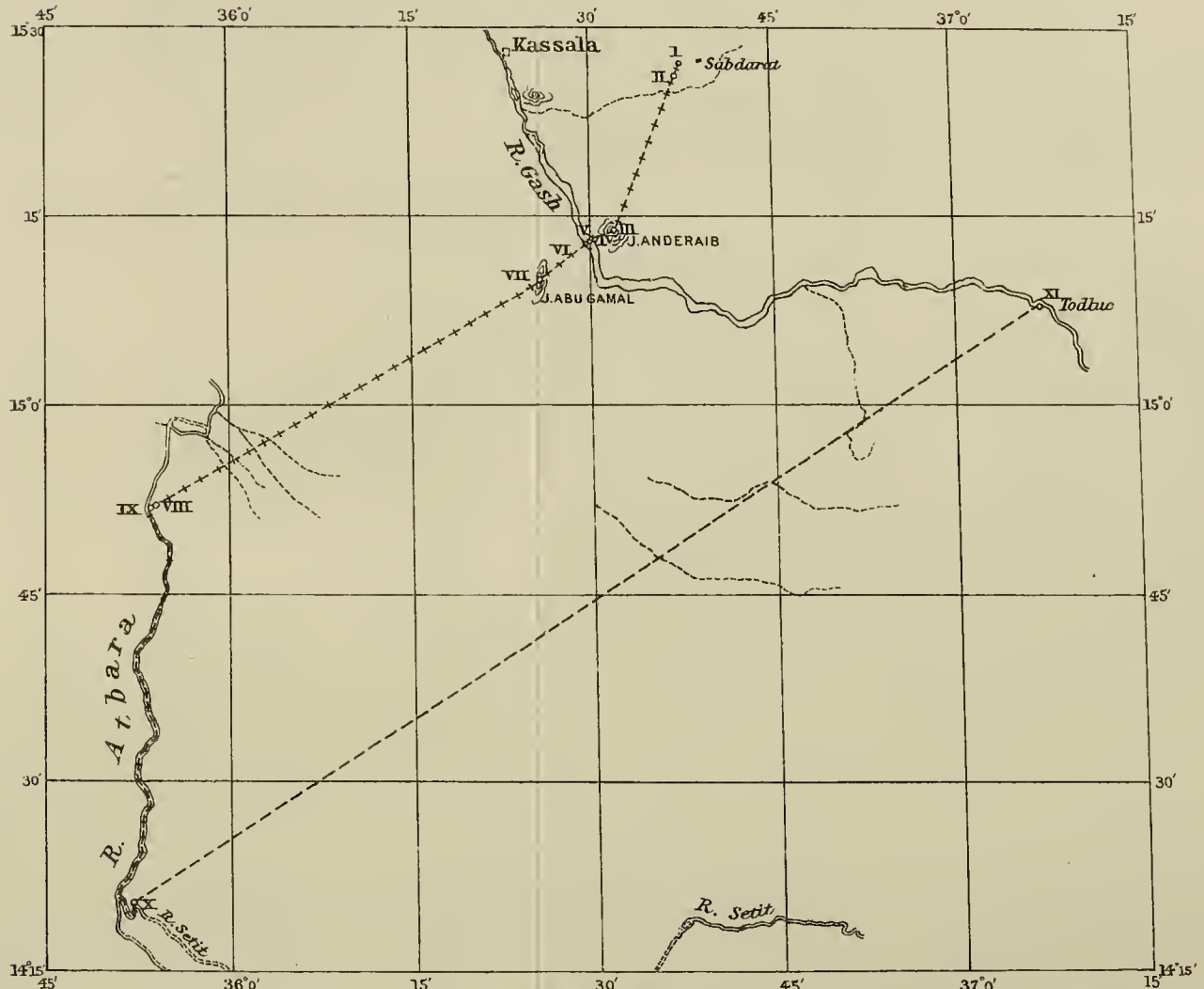


Scale of Map (No. 36) in Atlas or Pouch, 4 miles to 1·014 inches.

Ordnance Survey, Southampton.

To face page 1116.

SKETCH MAP OF THE SOUDAN-ERITREA FRONTIER
SOUTH OF SABDERAT.
AGREEMENT OF APRIL 16, 1901.



Scale of Map (No. 36) in Atlas or Pouch, 4 miles to 1·014 inches.

Ordnance Survey, Southampton.

Ras Casar
Halibal
Gabei-Helli
M. Abbeinedu
M. Teffanait
Colle di Sciancolet
M. Robiret

To face page 1116.

MAP

TO

ILLUSTRATE THE FRONTIER

BETWEEN

ERITREA AND THE SOUDAN,

AND

ERITREA AND ETHIOPIA.

See Protocol, Great Britain and Italy,
April 15th, 1891. No. 289, p. 949.

„ Local Agreements, Italy and Egypt,
December 7th, 1898. No. 340, p. 1110.
June 1st, 1899. No. 342, p. 1113.
April 16th, 1901. No. 343, p. 1115.

„ Treaty, Italy and Ethiopia,
July 10th, 1900. No. 125, p. 460.

„ Treaty, Great Britain, Italy, and Ethiopia,
May 15th, 1902. No. 100, p. 433.

„ Protocols, France and Italy,
January, 24th, 1900. No. 200, p. 663.
July 10th, 1901. No. 201, p. 664.

—·—·—·— Line of frontier between Dankalia and Ethiopia as laid down in the Convention between Italy and Ethiopia of the 16th May, 1908.

[Anglo-Egyptian Soudan and Erythrea. Frontier from Jebel Abu Gamal and the Setit.]

No. 344.—*DESCRIPTION of the Line agreed upon by the British and Italian Boundary Commissioners for the rectification of the Frontier between the Anglo-Egyptian Soudan and the Colony of Erythræa.* Umbrega, 18th February,* 1903.

THE rectified boundary shall run from the highest summit of Jebel Abu Gamal to the highest point of the group of low hills known as El Burak, situated on the magnetic bearing of 175° from Abu Gamal and 14 kilom. distant.

From El Burak it shall run in a straight line to the eastern ridge of the Koraiteb Hills, passing through the highest rock of this ridge, the highest of the whole group, and leaving to the Soudan the water-holes in the Koraiteb Rocks to the west of this line. The Soudan Government, however, shall allow Erythræan subjects with caravans from Sogada to Noggara, or *vice-versâ*, or engaged in collecting gum in Erythræan territory, to use these water-holes. This privilege shall not be extended to hunters in Erythræan territory.

Between El Burak and Koraiteb, owing to the necessity of avoiding the tracks of pathless bush so frequently met with in this waterless area, the Commission was compelled to keep to the west of the direct line. It was, consequently, impossible to do more than to ascertain that the little hill of Murawi, the ridge of Ginjar, or Wad Ganjar, and the pond or marsh of Um Sagit, lie within Soudan territory without constituting them boundary points.

From Koraiteb the boundary shall pass in a straight line to the conspicuous clump of trees surrounded by stones at the western end of the hill known as J. Nuwar, and from there, on a magnetic bearing of 166°, to the road cleared this winter by Bimbashi Savile between Umbrega and El Hafeira, and striking it on the ridge between Wad Mizammil and El Hafeira at a distance of about 520 metres, measured along the track from the point where it crosses the nearest water channel immediately west of the ridge.

The right of passage between the hills of J. Nuwar and J. El Batiota, as through the area known as El Makhram El Batiota, shall be enjoyed by the subjects of both Governments.

From the above-mentioned point on the Umbrega–El Hafeira road, now marked by a blazed " heglig " tree on the north side of the road, the boundary shall run straight to the bend of the Setit immediately opposite the mouth of the Khor Royan.

Umbrega Camp, 18th February, 1903.

M. G. TALBOT, *Colonel, Commissioner for the Soudan.*

MARTINELLI, ALBERTO POLLERA } *Commissioners for Erythrea.*

* See Declaration of 22nd November, 1901, p. 952.

[Anglo-Egyptian Soudan and Erythrea. Frontier between Gabei Keli and Teflenait.]

Inclosure 1.

Sketch Map to illustrate Frontier in general. (See Diagram Map facing this page, and Map No. 37 in Atlas, or Pouch.)

Inclosure 2.

Sketch Map of portion of Frontier between the Setit and nearest Hills to the North. (See Map No. 38 in Atlas, or Pouch.)

No. 345.—*PROCES-VERBAL signed by the Delegates of the Soudan and Erythrea for the Rectification of the Boundary between Gabei Keli and Teflenait (River Carora).* Carora, 19th January,* 1904.

L'AN 1904, le jour 19 janvier, nous soussignés, après les instructions que nous avons reçues de nos supérieures, nous avons déterminé la position, aù l'alignement entre les signaux supérieurs de M. Gabei Keli et de M. Teflenait coupe la rive droite du torrent Carora et, près de la rive susdite, nous avons fait bâtir un neuf signal de forme conique en maçonnerie. Après, nous avons expliqué aux sceics des tribus limitrophes à la frontière, que celle-ci, de M. Gabei Keli (signal supérieur) atteint le signal neuf de Baaretai en ligne droite et qu'elle suit cette ligne jusqu'à la moitié du lit du torrent Carora (du signal Baaretai à la moitié du lit du Carora il y a 97 mètres). De ce point la ligne de frontière va remonter par la ligne moyenne du lit du torrent Carora, coupe au milieu deux petites îles à Sud-Ouest de Baaretai; après elle reprend la ligne moyenne du torrent jusqu'au point où l'alignement entre les signaux de Focai et Kirbagha coupe la ligne moyenne susdite (du signal de Focai à cette intersection il y a 68 mètres.) De cette intersection la frontière suit, comme auparavant, la direction rectiligne de signal Focai à M. Kirbagha et après de M. Kirbagha à M. Teflenait.

Nous entendons le torrent être cette partie du Khor sur la quelle il n'y a pas de végétation, mais qui reste comme de sable nu par le flux des eaux.

Cette rectification de frontière est soumise à l'approbation de S. E. le Gouverneur général du Soudan et de S. E. le Commissaire civil royal extraordinaire de l'Erythrée.†

S. T. NEWCOMBE, *Bimbashi, for H.E. the Governor-General of Soudan.*

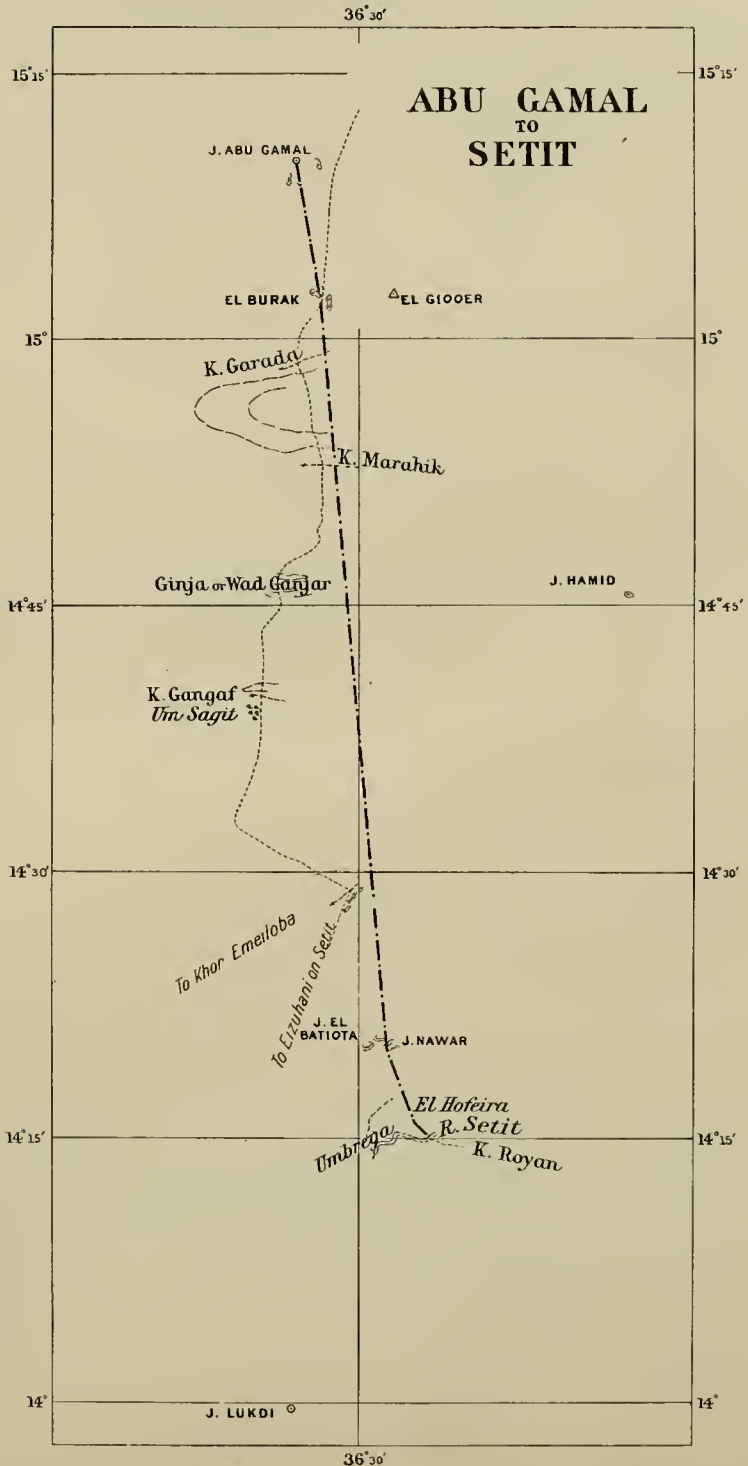
MARAZZANI VISCONTI TERZI FILIPPO, *Lieutenant, Residente del Sahel, Delegato di S. E. il Commissario civile straordinario per l'Eritrea.*

* In connection with the Anglo-Italian Agreement of the 7th December, 1898, p. 1110.

† The approval of the Soudanese Government was signified by a note from the British Embassy at Rome dated 25th March, 1904, and the approval of the Government of Erythrea by a Report of the Royal Civil Commissioner dated 3rd June, 1904.

To face page 1118.

SUDAN-ERITREA BOUNDARY.
ANNEXED TO DESCRIPTION OF LINE, SIGNED FEBRUARY 18, 1903.



Scale of Map (No. 37) in Atlas or Pouch, 1·014 inches to 4 miles.

Ordnance Survey, Southampton.

[Italian Protectorate over Sultanate of Migertini.]

No. 346.—*TREATY of Protection between Italy and the Sultan of the Migertini (Mijjertayn Somalis). Signed at Bender Alula, 7th April, 1889.**

(Translation.)

On this 6th day of the month of Shaban, 1306, corresponding to the 7th day of April, 1889,

We, Sultan Osman Mahmud Jusuf, Sultan of all the Migertini, have of our own free will put to this Act our hand and seal.

We have placed our country and all our possessions, from Ras Auad to Ral-el-Kyle (Uadi-Nogal being the farthest limit), under the protection and government of His Majesty Umberto I, King of Italy; and this we have done through the Representatives of His Majesty the King, viz. :—

V. Filonardi, Italian Consul at Zanzibar; Captain Amoretti, commanding His Majesty's ship *Rapido;* and Captain Porcelli, commanding His Majesty's ship *Staffeta.*

We have agreed that the Italian flag shall be hoisted in the countries above mentioned.

We declare that we will not make Treaties or Contracts with any other Governments or persons.

We declare besides, that we will prevent as far as we are able, all unjust acts directed against Italian subjects and their friends in all our possessions.

We have signed this Act of our own free will and full understanding, and this which we have signed will remain binding upon us, our heirs, brothers, subjects, and their descendants.

We append our signatures and seals to this Act in the full possession of our faculties of mind and body.

Given at Bender Alula, this 6th day of the month of Shaban, 1306 (7th April, 1889).

(L.S.) OSMAN MAHMUD JUSUF, *Sultan of the Migertini.*

(L.S.) JUSUF ALI JUSUF, *Sultan of Oppia.*

V. Filonardi, *His Italian Majesty's Consul.*
Carlo Amoretti, *Captain of Frigate.*
Giuseppe Porcelli, *Captain of Frigate.*

Note.

The Sultan of the Migertini declared his adhesion to the Brussels Act of 1890 (**No. 130**) by Declaration dated 16th November, 1894, and confirmed by Declaration of 7th April, 1895.

In consequence of the refusal of the Sultan Osman Mahmud to recognize his dependence on the Italian Government and in view of his failure to keep his solemn assurances, the Italian Government

* Notified to the Powers signatory of the Berlin Act of 26th February, 1885, on the 1st November, 1889.

by Convention signed at Bender Cassem on the 10th April, 1901, made over to Jusuf Ali, Sultan of Obbia, the provisional administration and custody of the Migertini ports of Bender Alula, Bender Filuk, and Bender Cassem.

On the 18th August, 1901, however, the Sultan of the Migertini signed a fresh Convention by which he placed himself, his Sultanate, and the whole of the territory of the Migertinis, under the protection of the Italian Government.

No. 347.—*AGREEMENT of Peace and Protection between the Italian Government and Sheikh Mohammed-ben-Abdullah (Mullah). Signed at Illig, 5th March,* 1905.*

(Translation from the Arabic.)

Praise to the Merciful God!

In accordance with the common desire of the Contracting Parties to afford peace and tranquility to all Somalis, Cavaliere Pestalozza, the special Envoy acting under the authority of the Italian Government, and Saïd Mohammed-ben-Abdullah, acting for himself and for the Chiefs and Notables of the tribes following him, have agreed on the complete acceptance of the following clauses and conditions :—

1. There shall be peace and lasting accord between the above-mentioned Saïd Mohammed, with all the Dervishes dependent on him, and the Government of Italy and all its dependents among the Somali Mijjerteins and others.

In view of this and in relation thereto there shall also be peace and accord between Saïd Mohammed, with his above-mentioned Dervishes, and the British Government, with all its dependents among the Somalis and others. So, likewise, shall there be peace between the Saïd, with his above-mentioned Dervishes, and the Government of Abyssinia, with all its dependents. The Italian Government guarantee and pledge themselves on behalf of their dependents, as also on behalf of the British Government.

Every disagreement or difference between the Saïd and his people and the dependents of the Italian Government, or those for whom the Government have pledged themselves—as, for example, the English and their dependents—shall be settled in a peaceful and friendly manner by means of " erko " or of Envoys from the two parties under the presidency of an Italian Delegate, and also in the presence of an English Envoy whenever British interests are concerned.

2. Saïd Mohammed-ben-Abdullah is authorized by the Italian Government to establish for himself and his people a fixed residence at the point most convenient for communication with the sea, between Ras Garad and Ras Gabbe.

* An Agreement, elucidating certain points in this Agreement, was arrived at between the British and Italian Governments and recorded in an Exchange of Notes which took place in London on the 19th March, 1907. See Great Britain and Italy, p. 961.

[Mohammed-ben-Abdullah (Mullah). Peace and Protection.]

This also with the approval of Yusuf Ali* and of Sultan Osman Mahmud.†

That residence and all its inhabitants shall be under the protection of the Italian Government and under their flag.

If and when the Italian Government so desire, they shall be at liberty to instal in that residence a Representative of Italian nationality, or other person, as Governor, with soldiers and custom-house (or tithes).

Saïd Mohammed shall in every way afford help and support to the Government in all matters, and until the Government appoint a special Representative of their own the said Saïd Mohammed shall be their Procurator.

The government of the tribes subject to him in the interior shall remain in the hands of Saïd Mohammed, and shall be exercised with justice and equity.

Moreover, he shall provide for the security of the roads and the safety of the caravans.

3. In the above-mentioned residence, commerce shall be free for all, subject to the Regulations and Ordinances of the Government. However, from henceforth the importation and disembarkation of fire-arms, cartridges, lead and powder necessary for the same, is prohibited. Saïd Mohammed himself and his people pledge themselves by a formal and complete pledge, as also by oath before God, to prevent the traffic, importation, and disembarkation of slaves and fire-arms whencesoever they may come, whether by sea or land.

Whoever shall infringe this Ordinance shall be liable to such punishment as shall be considered fitting by the Government.

4. The territory assigned to Saïd Mohammed and his followers is that of the Nogal and the Hod comprised within the limits of the Italian sphere of interest.‡ But in view of the special Agreement between the Governments of Italy and England, after the despatch and return of the "erko" (Somali delegation) sent to establish peace with the English according to Somali customs, and to settle certain formalities necessary for the general tranquillity, the English shall authorize Saïd Mohammed and his followers to enter their territories (those of the English) in the country of the Nogal, to feed their cattle there according to their former custom.

But the said cattle shall not be permitted to pass beyond the pasturages of the wells enumerated hereafter; they are the wells of Halin, and from these to those of Hodin, and from Hodin to Tifafle, and from Tifafle to Damot.§

In the same manner, also, in the case of the Mijjerteins, there shall

* Sultan of Obbia.

† Sultan of the Migertini.

‡ This territory lies between the Sultanates of Obbia and the Migertini. The Italian protectorate over it was notified on 20th May, 1889. See Italy and Obbia, p. 1124.

§ This line was modified by Agreement between Great Britain and the Italian Government of 19th March, 1907, as follows:—From Halin to Hodin, Hodin to Tifafle, Tifafle to Baran, Baran to Damot, Damot to Kurmis. See Great Britain and Italy, p. 961.

be accord and peace between them all and Saïd Mohammed and all his Dervishes.

The question of the pasturages which is at issue between these latter and the Issa Mahmud, as also between them and the Omar Mahmud, shall be settled with the approval and consent of the parties according to former custom.

The lands of Mudug and Galcaio shall continue to belong to Yusuf Ali and his sons.

All questions between the Dervishes and their neighbours shall be referred to the examination and the decision of the Italian Government.

In confirmation of all that is above stated, and as a pledge of the Contracting Parties, this document has been signed in duplicate by Saïd Mohammed-ben-Abdullah for himself and the Dervishes his followers, and by Cavaliere Pestalozza, the authorized Delegate of the Italian Government, at Illig, Sunday, the 28th of the month of Zelheggia, in the year 1322 of the Hegira, corresponding to the 5th March in the year 1905.

I have read the above document, have understood its entire contents, have accepted it all in perfect sincerity, and have signed it—in short, Cavaliere Pestalozza, Representative, knows my state—in good faith.

SAYED MOHAMMED-BEN-ABDULLAH.
G. PESTALOZZA.

Illig, 5th March, 1905.

Note.

At Berbera on the 24th March, 1905, a provisional Agreement was signed by the Representatives of the Commissioner of the Somaliland Protectorate and the Representative of Sayed Mohammed-ben-Abdalla (Mullah), declaring, amongst other things, that the Agreement between Italy and the Mullah of 5th March, 1905, was in accord with the views of the British Government. An exchange of Notes between the British and Italian Governments took place in London on the 28th March, 12th April, and 26th May, 1905, in the course of which the British Government signified their adherence to the terms of the Agreement between Italy and the Mullah in so far as they were affected by it, leaving, however, certain points arising out of it for further elucidation and adjustment and on the 19th March, 1907, an Agreement elucidating these points was arrived at and recorded in an Exchange of Notes between the two Governments. (See GREAT BRITAIN AND ITALY, p. 961.)

No. 348.—*NOTIFICATION. Italian Protectorate over Sultanate of Oppia. 2nd March,* 1889.*

(Translation.)

M. Catalani to the Marquis of Salisbury.

My Lord, *Italian Embassy, London, 2nd March,* 1889.

THE Sultan of Oppia, on the East Coast of Africa, has, through a Special Mission, formally requested the Protectorate of the Government of His Majesty the King of Italy.

After having ascertained on the spot that neither a foreign Power nor any private Company, depending from a foreign Power, had taken possession or established any Protectorate, or any foreign influence on the above-mentioned territory, an Italian man-of-war, by order of His Majesty's Government, hoisted on the 8th February last the national flag, and declared the Protectorate by means of a regular Treaty with the Sultan, who has stipulated in his own name and on behalf of his successors and of the Chiefs under his sway.†

According to the instructions received from my Government, and in pursuance of the provisions of Article 34 of the General Act of the Berlin Conference for the Congo (**No. 128**), I have the honour to communicate the above to your Lordship, asking you to be so good as to take note of this communication.

The limits of the Sultanate of Oppia (Obbia in the British Maps) are the following :—

On the north, Ras Awad, 5° 30′ north latitude ; on the south, the village El Maregli, 3° 40′ north latitude. Oppia, the chief city, although placed in many maps more towards the north, is really in latitude 5° 22′.

I have, &c.,
T. CATALANI.

The Marquis of Salisbury to M. Catalani.

M. le Charge d'Affaires, *Foreign Office, 4th March,* 1889.

I HAVE the honour to acknowledge the receipt of your note of the 2nd instant, in which, in pursuance of the provisions of Article 34 of the General Act of the Conference at Berlin of the 26th February, 1885, on the affairs of Africa (**No. 128**), you inform me that an Italian Protectorate has been established over the Sultanate of Oppia, or Obbia, on the east coast of that continent, extending from Ras Awad on the north, in 5° 30′ north latitude, and the village of El Maregli on the south, in 3° 40′ north latitude.

I have, &c.,
SALISBURY.

[See amended Notification, 20th May, 1889, p. 1124.]

* See amended Notification, 20th May, 1889, p. 1124.
† For Treaty, 8th February, 1889, see S.P., vol. lxxxi, p. 132.

No. 349.—*NOTIFICATION* (*as amended*). *Italian Protectorate over Sultanate of Oppia.* 20*th May*, 1889.*

(1.) *M. Catalani to the Marquis of Salisbury.*

(Translation.)

M. le Marquis, *Italian Embassy, London, 20th May*, 1889.

WITH reference to my letter of the 2nd March last (p. 1123), respecting the establishment of the Italian Protectorate over the Sultanate of Oppia, I have the honour to rectify, on the authority of a detailed and precise Report presented by M. Filonardi, Italian Consul at Zanzibar, the limits of the Sultanate, which were given before on the faith of telegrams and incomplete information.

The Sultanate of Oppia, and, consequently, the extent of the Italian Protectorate, have as limits, to the south, the territory of Warsheik, belonging to the Sultan of Zanzibar,† at 2° 30′ of north latitude, and to the north Cape Awad, at 5° 53′.

In thus rectifying the limits formerly given, I have the honour, by order of my Government, to announce to your Excellency, that the territories of Garad and Wady Nozat, as far as 8° 3′ north latitude, which bound to the north the Sultanate of Oppia, and of which the ownership was contested by Osman Mahmoud, Sultan of all the Mijjertayns, and Jusuf Ali Jusuf, Sultan of Oppia, have been, with the consent of the two Sultans, subjected to the Protectorate of the Italian Government by an Act stipulated with Osman Mahmoud,‡ who has, further, engaged not to accept, for the remainder of his dominions, the Protectorate of any other Power but Italy.§

I have the honour to request your Excellency to be so good as to acknowledge the receipt of this Notification, which the King's Government has charged me to make in conformity with the stipulations of Article 34 of the General Act of the Berlin Conference (**No. 128**).

In thanking you beforehand, for the reply which you may be so good as to give me in this matter.

I have, &c.,
T. CATALANI.

(2.) *The Marquis of Salisbury to M. Catalani.*

M. le Chargé d'Affaires, *Foreign Office, 28th May*, 1889.

I HAVE the honour to acknowledge the receipt of your note of the 20th instant, notifying the exact limits of the Sultanate of Oppia.

I have, &c.,
SALISBURY.

* See Notification of 2nd March, 1889, p. 1123

† See Zanzibar and Italy. Concession, 12th August, 1892, p. 1094.

‡ The territory between the Sultanates of Oppia and Migertini, known as the territory of the Nogal, was assigned by the Italian Government to Saïd Mohammed-bin-Abdullah (Mullah) and his followers by Agreement signed at Illig on the 5th March, 1905, see p. 1120.

§ For Treaty of Protection between Italy and the Sultan of the Migertini of 7th April, 1889, see p. 1119.

NOTE.—The Sultan of Oppia, Jusuf Ali, notified his adhesion to the Brussels Act of 2nd July, 1890 (**No. 130**), by Declaration addressed to the Italian Government dated 22nd November, 1894.

No. 350.—*NOTIFICATION. Italian Protectorate over Portions of East Coast of Africa (Benadir Coast). 19th November*, 1889.*

(1.) *M. Catalani to the Marquis of Salisbury.*

(Translation.)

My Lord, *Italian Embassy, London, 19th November*, 1889.

IN obedience to the instructions I have received from his Excellency Signor Crispi, I have the honour to inform your Excellency that, on the 15th November instant, His Majesty's Government assumed the Protectorate of those portions of the East Coast of Africa from the northern boundary of the territory of Kismayu to the parallel 20° 30′ [? 2° 30′] of north latitude, which lie between the stations recognized in 1886 as belonging to the Sultan of Zanzibar (**No. 261**). Thus the northern boundary of the new Italian Protectorate coincides with the southern extremity of the Sultanate of Oppia, which formed the subject of the notification dated the 20th May last (**No. 349**).

I should be obliged if your Excellency would be so good as to take act of the above notification.

Accept, &c.,
T. CATALANI.

(2.) *The Marquis of Salisbury to Count Tornielli.*

M. l'Ambassadeur, *Foreign Office, 30th November*, 1889.

I HAVE the honour to acknowledge the receipt of Signor Catalani's note of the 19th instant, announcing that the Italian Government have assumed a Protectorate over those portions of the East Coast of Africa from the northern boundary of the territory of Kismayu to the parallel 20° 30′ [? 2° 30′] of latitude north, which lie between the stations recognized in 1886 as belonging to the Sultan of Zanzibar (**No. 261**).

I have, &c.,
SALISBURY.

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* See Deed of Transfer to Italian Government of Benadir Ports and Coast, dated 18th November, 1899, p. 1091.

LIBERIA.

LIBERIA.

LIST OF TREATIES, &c.

No.				Page
351	1816—1907.	Notes	On Liberia and Maryland	1130
—	21 Oct., 1862.	Treaty	Liberia and United States. Relations	1130
—	1 Mar., 1876.	Treaty	Liberia and Cape Palmas, &c. Submission of Chiefs	1130
—	11 Nov., 1885.	Convention	Great Britain and Liberia. North-West Boundaries	1132
—	26 Oct., 1891.	Notification	French Protectorate over Ivory Coast....	1133
—	Dec., 1891, Jan., 1892.	Notes	Great Britain and France. French Sovereignty or Protectorate over Territory on Ivory Coast between the San Pedro and the Cavally Rivers. (See also Great Britain and France.)	1133
—	25 Aug., 1892.	Accession	"Brussels Act," 1890	1135
—	8 Dec., 1892.	Arrangement	France and Liberia. Delimitation between their respective Territories....	1134
—	23 Dec., 1892.	Accession	Liberia to "Brussels Act" of 2nd July, 1890. See Africa (General).	
—	1891—1892.	Exchange of Notes.	Great Britain and France. Extension of French Territory to Frontier of Liberia. (See Great Britain and France.)	
—	23 Sept., 1893.	Treaty.....	Liberia and Greboes. Submission of Chiefs.....	1136
—	10 Nov., 1893.	Treaty.....	Liberia and Cavalla. Submission of Chiefs	1136
352	25 June, 1903.	Procès-Verbal	Great Britain and Liberia. Boundary between Liberia and Sierra Leone	1136
353	18 Sept., 1907.	Agreement	France and Liberia. Settlement of Frontier	1140

No. 351.—*Notes on LIBERIA and MARYLAND.* 1816—1907.

In the year 1816 a Committee was formed in Washington, with the object of restoring to their native soil in Africa those of the negroes who, on the abolition of slavery, had obtained their freedom.

In 1822 this body obtained possession of a tract of land on the Pepper Coast of Upper Guinea; and the new Colony which was to be the refuge of the freed blacks was named Liberia.*

On the 26th July, 1847, the Colony proclaimed itself a free, sovereign, and independent State, by the name of the Republic of Liberia, in a Constitution which was drawn up on a model of that of the United States.†

The independence of Liberia was acknowledged by Great Britain in March, 1848, and a Treaty of Friendship, Commerce, &c., was concluded between the two countries on the 21st November of the same year.‡ Similar Treaties were subsequently concluded with other countries.

Liberia and United States.

In the Treaty with the United States of 21st October, 1862§ (Art. VIII), the United States Government engaged "never to interfere, unless solicited by the Government of Liberia, in the affairs between the aboriginal inhabitants and the Government of the Republic of Liberia, in the jurisdiction and territories of the Republic," and although the Treaty contained no stipulation guaranteeing the independence of Liberia, the United States' Government have frequently interposed their good offices to procure the adjustment of difficulties between Liberia and foreign States.

On the 1st March, 1876, the following tribes representing the G'debo re-united Kingdom, Cape Palmas, Rocktown, Middletown, Fishtown, Half Garaway, Whole Garaway, Half Cavalla, and Whole Cavalla, concluded a Treaty of Peace with Liberia by which they renewed their allegiance to the Liberian Government.||

The following instances may be cited as showing the relation which exists between the United States and Liberia.

In 1879,¶ on the occasion of the reported offer of French protection to Liberia, the American Minister at Paris was instructed to make inquiries on the subject, and he was reminded in his instructions, that when it was considered that the United States had founded and fostered the nucleus of native representative Government on the African shores, and that Liberia, so created, had afforded a field of emigration and enterprise for the emancipated Africans of America, who had not been slow to avail themselves of the opportunity, it was evident that the United States' Government must feel a peculiar interest in any apparent

* Keith Johnston's "Africa" (1880), p. 128. McCulloch's "Geographical Dictionary" (1886), vol. iii, p. 156.
† S.P., vol. xxxv, p. 1301.
‡ S.P., vol. xxxvi, p. 394. H.T., vol. viii, p. 736.
§ S.P., vol. lii, p. 228.
|| S.P., vol. lxviii, p. 464.
¶ United States' Foreign Relations, 1879, p. 341; 1880, p. 362.

movement to divert the independent political life of Liberia for the aggrandizement of a great Continental Power which already had a foothold of actual trading possession on the neighbouring coast.

In 1880, Mr. Evarts informed Mr. Hoppin (the United States Chargé d'Affaires in London) that the United States were not averse to having the Great Powers know that they publicly recognized the peculiar relations which existed between them and Liberia, and that they were prepared to take every proper step to maintain them.*

In 1884, Mr. Frelinghuysen informed M. Roustan (French Minister at Washington) that Liberia, although not a Colony of the United States, began its independent career as an offshoot of that country which bore to it a quasi-parental relationship, which authorized the United States to interpose its good offices in any contest between Liberia and a foreign State, and that a refusal to give the United States an opportunity to be heard for this purpose would make an unfavourable impression on the minds of the Government and the people of the United States.

In 1887, on the occasion of the reported French aggressions on Liberian territory, the United States Government stated that their relations with the Republic had not changed, and that they still felt justified in employing their good offices on her behalf.†

The French Government, however, although not disposed to reject the idea of a natural boundary ("délimitation de nature"), objected to negotiate with the Minister of the United States, on the ground that the Liberian Chargé d'Affaires was the only Agent acknowledged to represent that Republic in France, but the United States Government explained that the function of their Minister in France was only to act so far as might be admissible, as a conciliatory medium between the Agent of Liberia and the French Government.‡

Maryland.

An Association called the "Maryland State Colonization Society" was duly incorporated in the State of Maryland by an Act of its Legislature (Acts of 1831, cap. 314), and was authorized to purchase lands in Africa for the purpose of assisting the colonization of negroes in that country.

In 1854, by agreement with the Parent Society, the colonists organized the independent African State of Maryland, possessing all the territory purchased by the Society.

On the 4th January, 1856, a Commercial and Slave Trade Treaty was signed between the Republic of Liberia and the State of Maryland, in Liberia, in which it was declared to be understood that "the term Liberia had no connection with Liberia proper."§

* Mr. Evarts to Mr. Hoppin, April 21, 1880. Moore's "Digest of International Law," vol. v, p. 768.
† United States' Foreign Relations, 1887, p. 291.
‡ United States' Foreign Relations, 1888, p. 1086.
§ S.P., vol. xlvi, p. 1132.

Annexation of Maryland to Liberia.

On the 19th February, 1857, a Treaty of offensive and defensive alliance was concluded between Liberia and Maryland.* In the same year the State was, by consent, annexed to Liberia as the Maryland County, all its territory passing to that Republic, which had been recognized by the Governments of Europe and America.†

Boundary of Liberia.

The boundary of Liberia was then claimed by that Republic as extending from Mannah Point to the San Pedro River; but France also claimed the Krou (or Ivory) Coast up to Cape Palmas, quoting in support of its claim a Decree published in the "Bulletin des Lois," 1885, which declared the villages of Grand et Petit Biribi, Tahou, Bacha, &c., up to and including the mouth of the Garroway, west of Cape Palmas, to be French Possessions.

A Boundary Treaty was, however, signed between France and Liberia on the 8th December, 1892 (see p. 1134), and a further Agreement concluded on the 18th September. 1907 (see p. 1140).

North-West Boundaries of Liberia.

On the 11th November, 1885,‡ a Convention was concluded between Great Britain and Liberia, for the settlement of the north-western boundaries of the Republic, and other questions; and the following are the Articles which relate to those boundaries:—

Art. II.—The line marking the north-western boundary of the Republic of Liberia shall commence at the point on the sea-coast at which, at low water, the line of the south-eastern or left bank of the Mannah River intersects the general line of the sea-coast, and shall be continued along the line marked by low water, on the south-eastern or left bank of the Mannah River, until such line, or such line prolonged in a north-easterly direction, intersects the line or the prolongation of the line making the north-eastern or inland boundary of the territories of the Republic, with such deviations as may hereafter be found necessary to place within Liberian territory the town of Boporu, and such other towns as shall be hereafter acknowledged to have belonged to the Republic at the time of the signing of this Convention.§

Recognition by Liberia of Certain Acquisitions of Territory by the British Government.

Art. III.—The President of the Republic of Liberia hereby recognizes the recent acquisition by Her Majesty's Government of certain portions of territory which make the south-eastern boundary of Her Majesty's Possessions in this portion of West Africa coterminous with that portion of the line of the north-western boundary of the Republic

* S.P., vol. xlvii, p. 582.
† United States' Foreign Relations, 1880, p. 290.
‡ H.T., vol. xvii, p. 823.
§ The frontier between Liberia and Sierra Leone was delimited on the ground in 1903 and a Procès-Verbal was drawn up describing the frontier agreed upon and signed by the Boundary Commissioners of the two countries at Mano Sulija on the 25th June, 1903, see p. 1136.]

of Liberia, as described in Article II, which commences at the point on the sea-coast at which at low water the line of the south-eastern or left bank of the Mannah River intersects the general line of the sea-coast, and which terminates at the point on the line of the said north-western boundary line nearest to the town of Ngarinja, situated on the right bank of the Mannah River.

Repayment by Great Britain to Liberia of Sums paid for the Purchase of the Territories of Mannah, &c.

Art. IV.—Her Majesty the Queen of the United Kingdom of Great Britain and Ireland engages to pay to the President of the Republic of Liberia the amounts shown in the statement of Mr. Benjamin Anderson, the Secretary of the Liberian Treasury, dated Monrovia, 6th June, 1870, to have been paid at different periods by the Liberian Government for the purchase of the territories of Mannah, Mannah River, and Soloma, Mannah Rock, Cassa, Gumbo, and Mattru; that is to say:—

	Dol. c.
May 23, 1849. Paid to King Robin of the Mannah Territory	100 00
March 27, 1850. Paid to the Kings and Headmen for Mannah Rock Territory	600 00
April 6, 1850. Paid to the Kings and Headmen for Gumbo Territory	500 00
April 9, 1850. Paid to the Kings and Headmen for Mattru Territory	500 00
May 4, 1850. Paid to the Kings and Headmen for Cassa Territory	850 00
December 24, 1850. Paid to King Robin for Mannah River and Soloma Territory	1,129 26

Presents to the Kings and Chiefs.

	Dol. c.	
To the Kings and Chiefs at Mannah Rock	81 72	
,, ,, Gallinas	103 12	
,, ,, Cassa	65 20	
,, ,, Gumbo	51 12	
,, ,, Mattru	44 70	
		345 86
To T. S. Gordon, of the Kittam Territory, as Interpreter		50 00
		4,075 12

French Protectorates on Ivory Coast.

On the 26th October, 1891, the French Government notified to the British Government that, in accordance with Article XXXIV of the Berlin Act of 26th February, 1885 (**No. 128**), Treaties had been concluded with the Chiefs of the Ivory Coast, by which all that portion of the coast comprised between Lahou and the Cavally River was placed under the Sovereignty or Protectorate of France; to which Lord Salisbury replied (10th December, 1891, and 11th January, 1892) that, as the notification was made in compliance with the Berlin Act, his answer had been framed within the limits of the terms of that Act, but that Her Majesty's Government did not intend by their acknowledgment to prejudice the question of the claims of Liberia to the territory between the San Pedro and the Cavally Rivers (see GREAT BRITAIN AND FRANCE) (**No. 233**).

Boundary between French and Liberian Possessions.

On the 8th December, 1892, an Arrangement was entered into between France and Liberia, relative to the delimitation of the territories of the Republic of Liberia and of the French Possessions, which contained the following stipulations :—

Ivory Coast and in the Interior.

" **Art. I.**—On the Ivory Coast and in the interior, the boundary line between the Republic of Liberia and the French Possessions shall be laid down as follows, in conformity with the red line on the map annexed to the present Arrangement in duplicate and signed, viz. :

River Cavally.

" 1. The thalweg of the River Cavally, as far as a point situated at a point about 20 miles to the south of its confluence with the River Fodédougou-Ba, at the intersection of the parallel 6° 30′ N. Lat. and the meridian 9° 12′ of W. Long.*

" 2. The parallel passing through the said point of intersection until it meets the meridian 10° Long. W. of Paris†, it being, in any case, understood that the Basin of the Grand Sesters shall belong to Liberia, and the Basin of the Fodédougou-Ba shall belong to France.

" 3. The meridian 10° until it meets the parallel 7° N. Lat. ; from this point the boundary shall run in a straight line to the point of intersection of the meridian 11° Long.‡ and the parallel passing through Tembi Counda, it being understood that the town of Barmaquinola and the town of Mahomadou shall belong to the Republic of Liberia, Naalah and Mousardou remaining, on the other hand, to France.

Basin of the Niger and its Affluents.

" 4. The boundary shall then run in a westerly direction along this same parallel until it meets on the meridian 13° Long. W. of Paris the Anglo-French boundary of Sierra Leone.§ This line shall, in any case, secure to France the whole Basin of the Niger and its affluents.

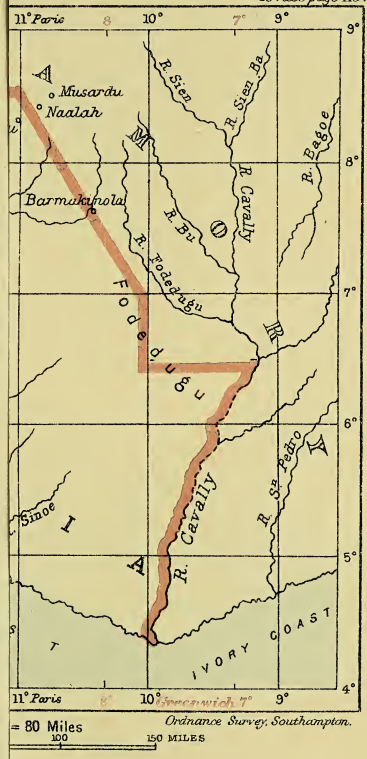
Free Navigation of the Cavally River.

" **Art. II.**—The navigation of the River Cavally, as far as its confluence with the Fodédougou-Ba, shall be free and open to the traffic of both countries.

" France shall have the right of executing, at her own expense, on either bank of the Cavally, the works necessary for rendering the river navigable, it being understood, however, that no violation shall through this be made of the rights of sovereignty which on the right bank

* 6° 52′ of Greenwich.
† 7° 40′ of Greenwich.
‡ 8° 40′ of Greenwich.
§ 10° 40′ W. of Greenwich. See Agreement, Great Britain and France, 10th August, 1889, Article II, p. 730.

To face page 1134



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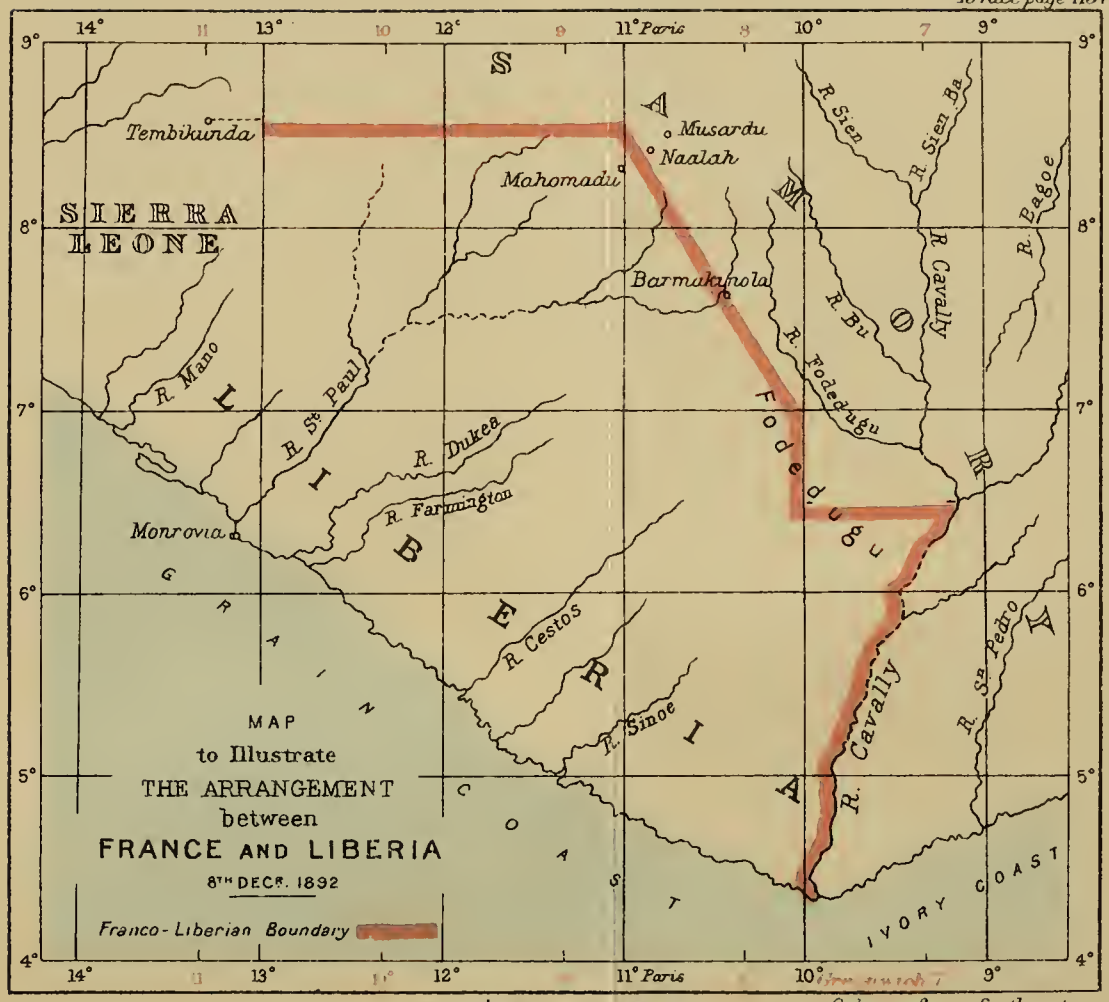


belong to the Republic of Liberia. In the event of the execution of these works giving rise to the imposition of taxation, it shall be determined by a fresh agreement between the two Governments.

Renunciation by France of territory on the Grain Coast.

" **Art. III.**—France renounces the rights which she has derived from ancient treaties concluded at various places on the Grain Coast,

Liberian Rights of Sovereignty over Grain Coast west of Cavally River.

" And recognizes the sovereignty of the Republic of Liberia on the coast to the west of the River Cavally.

Renunciation by Liberia of Territory on Ivory Coast east of Cavally River.

" The Republic of Liberia abandons on her part all claims to territory on the Ivory Coast to the east of the River Cavally.

Free Hire of Labourers by France.

" **Art. IV.**—The Republic of Liberia shall facilitate, as in the past, as far as it shall be in her power, the free hire of labourers on the coast of Liberia by the French Government or her Agents. The same facilities shall be reciprocally accorded to the Republic of Liberia and to her agents on the French portion of the Ivory Coast.

French Reservations, in event of Violations of Liberian Independence or of Abandonment of Territories.

" **Art. V.**—In recognizing the above-determined boundaries of the Republic of Liberia, the Government of the French Republic declares that she intends contracting an engagement with the Liberian Republic, free and independent, and makes every reservation, in the event of this independence being violated, or in the event of the Republic of Liberia abandoning any portion of the territories recognized as pertaining to her under the present Convention."

To this Arrangement two Articles were annexed, one relating to the pursuit and capture of fugitives, and the other to the indemnity to be paid by France to Liberia for the expense incurred in connection with her establishments on the portion of the coast situated to the east of the Cavally River.

It was, however, recognised that there were material difficulties in the application of the clauses of this Arrangement, and a fresh Agreement was accordingly signed on the 18th September, 1907. (See **No. 353.**)

Accession to the Brussels Act of 2nd July, 1890.

On the 6th March, 1893, the Belgian Minister in London notified the adhesion of Liberia, on the 25th August, 1892, to the Brussels Act of 2nd July, 1890 (**No. 130**), subject to the assent of the Senate of that

Republic; and, on the 31st August, 1893, he notified that the Government had been officially informed that the approval of the Liberian Senate had been given on the 23rd December, 1892.

Liberia and Greboes.

On the 23rd September, 1893, a Treaty of Peace was concluded between Liberia and the Greboes (G'deboes) of Rocktown, Middletown Fishtown, and Cape Palmas, in which the Chiefs and natives of these towns declared themselves to be subjects of Liberia, and engaged not to enter into war without the consent of the Liberian Government.

Liberia and Cavalla.

On the 10th November, 1893, Articles of Peace were signed between the Liberian Government and the Chiefs of Cavalla, by which those Chiefs, on behalf of themselves and their subjects, again submitted themselves to the Government of Liberia and acknowledged that they were its subjects.

[See also Agreement signed between Great Britain and France on the 21st January, 1895, fixing the Boundary between the British and French Possessions to the North and East of Sierra Leone (**No. 237**).]

No. 352.—*PROCÈS-VERBAL drawn up by the Commissioners for the delimitation of the Anglo-Liberian Boundary.** *25th June*, 1903.

Description of Frontier.†

The boundary to the north commences at Beacon No. 1, erected on the right bank of the Ulafu (Uldafu) River, at the point where the 13th meridian west of Paris (10° 39′—46·5 west of Greenwich) cuts the river, and follows this meridian in a southerly direction till the Biwa (Bewa) River is met, when the left bank of the Biwa (Bewa) at low water becomes the boundary till the coast is reached.

Description of Boundary and Beacons.

Beacon No. 1 is a conical pile of stones, about 10 feet high and 60 feet in circumference, placed on the right, or south, bank of the Ulafu (Uldafu) River, and about 831 feet west of the point, where the path from the village of Kawlowaia (Sierra Leone) to the village of Boluni (which is east of the Meli River) crosses the Ulafu (Uldafu).

Beacon No. 2 is a cairn about 1,000 feet from Beacon No. 1, and on the north edge of the path leading from the village of Kawlowaia to the village of Boluni.

Beacon No. 3 is a cairn on the Kawlowaia ridge. It is distant

* See Art. II of Convention between Great Britain and Liberia of 11th November, 1885, p. 1132. The Procès Verbal of Agreement has not yet been confirmed (January, 1909).

† See Diagram Maps facing p. 1140, and Maps Nos. 39 and 40 in Atlas, or Pouch.

about 92 feet east from another cairn, which marks the eastern end of the Kawlowaia ridge.

Beacon No. 4 is a cairn on the Kundéwa range, where it runs east and west, about a quarter of a mile from the precipitous eastern end of the ridge. A " broad arrow " is cut on the rock *in situ*.

Beacon No. 5 is a cairn on the north side of the Yarawadu (Yerewadu) (Sierra Leone)–Kundéwakoro (Liberia) road, about 300 feet from where the road rounds the Kundéwa spur, and abruptly descends.

Beacon No. 6 is marked by a cairn, and a " broad arrow " cut on the rock *in situ*, on the north side of the path between the villages of Kombawndu (Kombadu) (Sierra Leone) and Fancwadu (Funkabàdu) (Liberia) and about 1,300 feet from a mark ⊙ on a prominent rock to the east of the village of Fancwadu (Funkabàdu).

Beacon No. 7 is a " broad arrow " cut on the rock *in situ* just to the east of the village of Kunsadu (Kumsadu) (Sierra Leone).

Beacon No. 8 is a " broad arrow " cut in the rock *in situ* on the side of the path between Yewerdu (Liberia) and Kawnkote (Sierra Leone).

Beacon No. 9 is a " broad arrow " cut on the rock *in situ* on the side of the path between Yewerdu and the Sankisanki road.

Beacon No. 10 is a cairn on the Suruburu ridge over a ⊙ cut on the rock *in situ*, and is distant about half a mile west from the Suruburu peak.

Beacon No. 11 is a cairn on the Kambu ridge, a mark ◯ is cut on the rock *in situ*. The Sankisanki road crosses the ridge to the west about half a mile distant; to the north-west of the cairn is the village of Sankisanki (Sierra Leone), and to the north-east distant about a mile the village Kummbengu (Liberia).

Beacon No. 12 is a cairn, and a star cut in the rock *in situ* to the east of the road between Sankisanki (Sierra Leone) and Yaramba (Liberia), and distant from Yaramba about 1½ miles.

Beacon No. 13 is a cairn on the eastern side of the path from Yawandu (Liberia) to Saiama (Sierra Leone), and distant from the hammock bridge over the Mamu (Mum) River about 500 yards.

Beacon No. 14 is a cairn on the Tufi (Tufé) ridge, and distant some 300 yards from the Tufi (Tufé) Peak.

Beacon No. 15 is a star cut on the rock *in situ* south-west of the village of Kubadu (Gobadu), which is just in Liberia.

Beacon No. 16 is a cairn at the junction of the Saiama Yengema–Kamiando (Kamiendo) Road with the Saiama–Bafadu Road.

Beacon No. 17 is a cairn, and a star cut on the rock *in situ* on the Kerimafere Peak to the east of the Saiama–Bafadu road, distant, in a south-easterly direction, about 100 yards from the highest point of the hill. To the west in Sierra Leone, are the villages of Yima (Ima) and Merima (Maiama).

Beacon No. 18 is a cairn to the north of the Bafadu–Kamiando (Kamiendo) road, and about 120 yards north of the Memba, a tributary of the River Ma. To the west, in Sierra Leone, are the villages of Musadu (Musaduro) and Bafadu; and to the east, in Liberia, the village of Kombola.

Beacon No. 19 is a cairn on the Kawngota (Kongotan) ridge. A star was cut on a rock *in situ*, about 38 feet to the north, and another on a rock *in situ* about 82 feet to the south.

Beacon No. 20 is a cairn and a star cut on the rock *in situ* on the south side of the path from Tiandu (Sierra Leone) to Fanda (Liberia), about 500 feet to the east of Tiandu.

Beacon No. 21 is a cairn and a star cut on the rock *in situ* on the south side of the path, Fanda–Saiadu (Sierra Leone), and about 500 feet east of the village of Saiadu. The large village of Fanda is to the east in Liberia.

Beacon No. 22 is a cairn and a star cut on the rock *in situ* on the south side of the Kangordu (Kankordu)–Kamiando (Kamiendo) road. The village of Bedu (Baiedu) is in Liberia, to the north-east; and Keama (Teama) to the south-west, in Sierra Leone.

Beacon No. 23 is a cairn and a star cut on the rock *in situ* on the south edge of the Korumba–Kamiando (Kamiendo) road, and about 700 feet in a north-east direction from the junction of the road Korumba–Kamiando (Kamiendo) with the road to Dunamara (Sierra Leone), and about a quarter of a mile west of the village of Dugu (Lugbu), Liberia.

Beacons Nos. 24 and 25 are on the branch road connecting the new with the old Kamiando (Kamiendo)–Korumba road through the village Yaama (Jaoma) (Sierra Leone). The beacons are three-quarters of a mile east of the village of Yaama (Jaoma) and just east of cross roads going to the north to Koadu (Koardu) (Liberia), and to the south to the Méli River. A large palm tree, blazed at the base, is the beacon on the northern road. On the southern road a large ant-heap has been added to and forms the beacon; and a line has been cut between the roads connecting the two beacons.

Beacon No. 26 is a star cut on a "bindini" tree on the right bank of the Méli River and on a rock *in situ* just below, in the river, at a point about a quarter of a mile below the ford of the path, between Yaama (Jaoma) and the Kissi village of Kobengu (Liberia), on the left bank of the Méli River.

Beacon No. 27 is a cairn round a kola-nut tree on the eastern edge of the village of Bombadu (Sierra Leone), just west of the junction of the Fangamandu (Liberia) and Periwahun (Sierra Leone) road. A short meridian line has been cut to another tree.

Beacon No. 28 is a cairn on the left bank of the Moa River, about 1,900 feet up-stream from the ferry; a star is cut on the rock *in situ*, the villages of Sembaru (Sambui) and Mabu are on the Sierra Leone side of the meridian.

Beacon No. 29 is a cairn on the eastern side of the road, about half-way between Sembaru (Sambui) and Mafindo (Liberia). A large cotton tree standing about 100 yards east of the road is blazed with an arrow, and below the arrow, "A. L., B. 1903." is carved on the tree. The cairn marks the boundary.

Beacon No. 30 is a cairn on the Mafindo-Tawktawmbu (Tobombu) (Sierra Leone) road, some 220 yards west of the junction of the Mafindo–Naiahun (Nwaiahun) (Sierra Leone) road, near the Uai (Vaia) River.

[Boundary between Sierra Leone and Liberia.]

Beacon No. 31 is a cairn on the Naiahun– (Nwaiahun) Mafindo road, about 700 feet from the junction of the Naiahun– (Nwaiahun) Tawktawmbu (Tobombu) road.

Beacon No. 32 is a cairn round an ant-hill on the western side on the road from Naiahun (Nwaiahun) to Kailaun (Kailahun) (Liberia), and about 500 yards south-south-east from the village of Naiahun (Nwaiahun).

Beacon No. 33 is a cairn round a palm tree on the Kailaun– (Kailahun) Baoma (Sierra Leone) road, about 800 yards west from the junction of the road to Kenew (Sierra Leone).

Beacon No. 34 is a cairn on the Kenewa–Kailaun (Kailahun) road, about 700 yards east of Kenewa.

Beacon No. 35 is a cairn round a palm tree, blazed with a star and "broad arrow," on the Giahun– (Giéhun) (Sierra Leone) Bandajuma (Liberia) road, just west of the village of Kunuaijima (Kumwawgema). The line passes to the west of the villages of Boyndaun (Wundehun) (Liberia) and Gigia (Yiggia) (Liberia).

Beacon No. 36 is a cairn plastered with mud on the south side of the Pendembu– (Sierra Leone) Giama (Giéma) (Liberia) road, about a quarter of a mile west of the village* Mamanima (Nagbina) (Liberia).

Beacon No. 37 consists of two cairns on the Baiwala– (Bariwalla) (Sierra Leone) Vahun (Liberia) road, at a distance of about $1\frac{3}{4}$ of a mile along the road to the east from Bomaru (Sierra Leone). The two cairns are built round trees on either side of the road about 12 yards apart, and due north and south. Stars are cut on a rock *in situ*, and on each tree.

Beacon No. 38 is a cairn on the south side of the Baiwala (Bariwalla) Gelaun (Gelahun) (Liberia) road, and at a distance along the road about 1,900 feet west from the River Mapoi.

Beacon No. 39 is a cairn on the left bank of the Morro River.

Beacon No. 40 is a cairn on the right bank of the Biwa (Bewa) River about 100 feet below a large island.

Beacon No. 41 is a cairn on the left bank of the Biwa (Bewa) River 480 feet distant from Beacon No. 40; the line between the cairns, viz., Beacons Nos. 40 and 41 indicates the boundary between Sierra Leone and Liberia, the meridian portion of which is terminated at low-water mark on the left bank of the river.

Beacon No. 42. From Beacon No. 41 the boundary follows the left bank of the Biwa (Bewa) or Mannah River at low water till the point where the left bank of the river at low water intersected the general line of the coast in the year of the Treaty (1885). This point is marked by a cairn Beacon No. 42 erected on the sand-bank, forming the shore line opposite the village of Mano Sulija; subsidiary Beacons Nos. 43, 44, and 45 have been erected on the right bank of the river: No. 43 round the flagstaff in the grounds of the late A. and A. Company; No. 44 round the flagstaff in the grounds of the firm of Messrs. A. Woermann and Co.; No. 45 round a "shemi" tree near the village of Mano

* Nabena.

Pende. The true bearings of Beacon No. 42 from these subsidiary beacons are as follows :—

From Beacon No. 43 = 150° 16′; from Beacon No. 44 = 221° 39′; from Beacon No. 45 = 258° 28′. The true bearing from Beacon No. 42 of the most westerly of five conspicuous palm trees on the point to the south-east is 129° 34′, and of the beacon on Cape Mount is 143° 45′.

Executed in duplicate at Mano Sulija on the 25th June, 1903.

HUGH D. PEARSON,
Captain, R.E., British Commissioner.

JAMES McCARTHY,
A. D. WILLIAMS.
Liberian Commissioners.

Note.—Where the spelling of the names of places differs, both renderings have been given.

No. 353.—*AGREEMENT between France and Liberia for the Settlement of the Frontier between French West Africa and Liberia. Signed at Paris, 18th September,* 1907.

Le Gouvernement de la République Française et le Gouvernement de la République de Libéria, désireux de fixer d'une manière définitive les limites de l'Afrique occidentale Française et du Libéria, mais reconnaissant que les clauses de l'accord du 8 Décembre 1892 (see p. 1134) conclus dans ce but sont d'une application matérielle impossible, ont décidé d'un commun accord, non de recourir pour l'établissement de la frontière à des lignes théoriques, mais d'utiliser dans la plus large mesure possible les lignes topographiques naturelles les plus propres à prévenir toutes contestations possibles dans l'avenir et assurer de part et d'autre une domination effective, et ont à cet effet désigné pour leurs plénipotentiaires pour conclure un Arrangement :

Le Gouvernement de la République Française :

M. Gustave Binger, directeur au Ministère des Colonies ;

M. Soulange-Bodin, Ministre plénipotentiaire, sous-directeur au Ministère des Affaires étrangères ;

Et le Gouvernement de la République de Libéria ;

M. Frédéric E.-R. Johnson, Ministre des Affaires étrangères ;

M. J.-P. Crommelin, Chargé d'affaires de la République de Libéria à Paris.

Franco-Liberian Frontier.

Art. I.—La frontière franco-libérienne serait constituée par :

1. La rive gauche de la rivière Makona, depuis l'entrée de cette rivière dans le Sierra Leone jusqu'à un point à déterminer à environ 5 kilomètres au sud de Bofosso ;

To face page 1140.

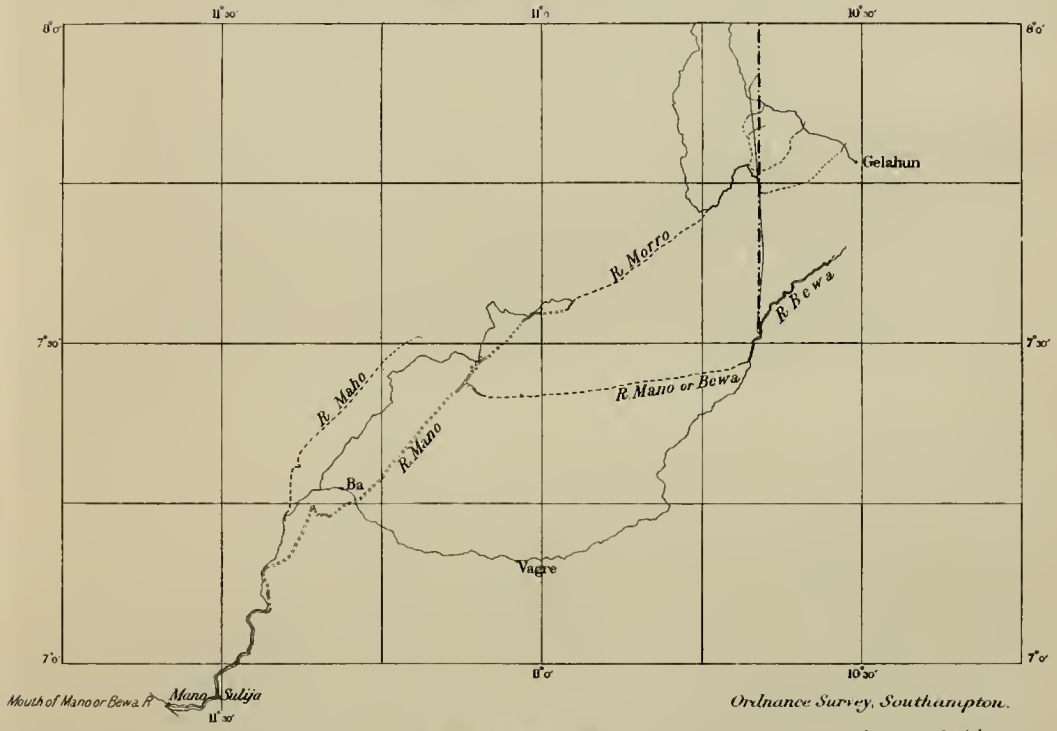
Ordnance Survey, Southampton.

Scale of map (No 39) in Atlas or Pouch 4 miles to 1·014 inches

To face page 1140.

SIERRA LEONE-LIBERIA BOUNDARY.

PROCÈS-VERBAL OF JUNE 25, 1903, MAP 2.



Ordnance Survey, Southampton.

Scale of map (No 40) in Atlas or Pouch 4 miles to 1·014 inches

2. Une ligne partant de ce dernier point et se dirigeant vers le sud-est en laissant au nord les villages suivants : Koutoumaï, Kissi-Kouroumaï, Soundébou, N'Zapa, N'Zébéla, Koiama, Banguédou et allant rejoindre une source de la rivière Nuon ou d'un de ses affluents à déterminer sur place, au maximum à 10 kilomètres au sud et dans le voisinage de Lola.

Dans cette section de frontière, le tracé à délimiter devra éviter de séparer les villages d'une même tribu, sous-tribu ou groupement et utiliser autant que possible des lignes topographiques naturelles telles que le cours de ruisseaux et de rivières ;

3. La rive droite de la rivière Nuon jusqu'à son confluent avec le Cavally ;

4. La rive droite du Cavally jusqu'à la mer.

Dans le cas où la rivière Nuon ne serait pas un affluent du Cavally, la rive droite du Nuon ne formerait la frontière que jusqu'aux environs de Toulepleu ; à hauteur et au sud de le banlieue de ce village la frontière serait tracée entre le Nuon et le Cavally dans la direction générale du parallèle de ce point, mais de manière à ne pas séparer les villages d'une même tribu, sous-tribu ou groupement et à utiliser les lignes topographiques naturelles ; à partir de l'intersection de ce parallèle avec la rivière Cavally, la frontière serait constituée par la rive droite de la rivière Cavally jusqu'à la mer.

Policing the Frontier.

Art. II.—Dans le but d'exercer le long de la frontière une police efficace, le gouvernement Libérien assumera l'obligation d'établir un certain nombre de postes que les autorités Françaises auront la faculté d'occuper si les ressources du gouvernement Libérien ne lui permettaient par à ce moment d'entretenir lui-même une garnison. Le nombre et l'emplacement de ces postes seront déterminés sur place d'un commun accord au moment de l'abornement ; l'effectif de chacun d'eux ne dépasserait pas 40 à 50 hommes.

Il est entendu que le gouvernement Libérien avisera deux mois à l'avance les autorités Françaises de son intention d'occuper le ou les postes dont il est question ci-dessus et que la remise du ou des postes s'effectuera dans les cinq jours qui suivront l'arrivée des forces de police Libérienne.

Navigation of Frontier Waters.

Art. III.—La navigation sur les cours d'eau formant la frontière sera libre et ouverte au trafic et aux citoyens et protégés Français ainsi qu'aux sujets et citoyens Libériens.

La France aura le droit de faire à ces frais dans le cours ou sur l'une et l'autre rive des rivières en question les travaux qui pourraient être nécessaires pour les rendre navigables ou en améliorer la navigabilité, restant toutefois entendu que de ce fait aucune atteinte ne sera portée au droit de souveraineté appartenant à la République de Libéria sur la rive qu'elle occupe. Dans le cas où les travaux exécutés donneraient

lieu à l'établissement de taxes, celles-ci seraient déterminées par une nouvelle entente entre les deux gouvernements.

Arrangement of 1892 *maintained where not contrary to the Present.*

Art. IV.—Les clauses de l'Arrangement du 8 Décembre 1892 sont maintenues en toutes les dispositions qui ne sont pas contraires au présent arrangement.

Ratifications, &c.

Art. V.—Les ratifications seront échangées avant le 1er Mars 1908.*

Les opérations d'abornement seront entamées dans les trois mois qui suivront l'échange en question.

En foi de quoi, les soussignés, dûment autorisés à cet effet, ont dressé le présent Arrangement qu'ils ont revêtu de leurs cachets.

Fait à Paris, en double exemplaire, le 18 Septembre, 1907.

(L.S.) G. BINGER.
(L.S.) A. SOULANGE-BODIN.
(L.S.) F.-E.-R. JOHNSON.
(L.S.) J.-P. CROMMELIN.

* Ratifications exchanged at Paris, 28th February, 1908.

MOROCCO.

MOROCCO.

LIST OF TREATIES, &c.

MOROCCO AND ALGERIA.

(See Morocco and France.)

MOROCCO AND FRANCE.

No.					Page
354	10 Sept., 1844.	Convention....	Boundaries.	Morocco and Algeria	1146
355	18 Mar., 1845.	Treaty.....	Boundaries.	Morocco and Algeria	1146

MOROCCO AND GREAT BRITAIN.

(See Great Britain and Morocco.)

MOROCCO AND SPAIN.

(See Spain and Morocco.)

MOROCCO AND VARIOUS POWERS.

356	31 May, 1865.	Convention....	Cape Spartel Lighthouse		1150
—	7 Apr., 1906.	General Act	Algeciras Conference		1149

For Declaration between France and Spain, relative to the Integrity of Morocco, dated 3rd October, 1904, see SPAIN AND FRANCE, p. 1168.

For Declarations between Great Britain and Spain and France and Spain for the Maintenance of the *Status Quo* in the Mediterranean and East Atlantic Ocean, dated 16th May, 1907, see APPENDIX, p. 1211 and 1212.

No. 354.—*CONVENTION between France and Morocco. 10th September*, 1844.*

(Translation.)

Ancient Boundary between Morocco and Algeria to be maintained.

Art. V.—The delimitation of the frontiers between the Possessions of His Majesty the Emperor of the French and those of His Majesty the Emperor of Morocco should remain fixed and agreed upon in conformity with the state of affairs recognized by the Government of Morocco at the time of the domination of the Turks in Algeria. The complete and regular execution of the present clause shall form the object of a special Convention to be negotiated and concluded upon the subject between a Plenipotentiary to be appointed by the Emperor of the French and a Delegate of the Government of Morocco. (See Treaty, 18th March, 1845, below.)

No. 355.—*TREATY concluded between the Plenipotentiaries of the Emperor of the French and of the Possessions of the Empire of Algeria, and of the Emperor of Morocco, Suz, Fez, and of the Possessions of the Empire of the West. 18th March*, 1845.†

(Translation.)

Ancient Boundary to be Maintained.

Art. I.—The two Plenipotentiaries are agreed that the boundary which formerly existed between Morocco and Turkey, shall remain the same between Algeria and Morocco. Neither of the two Emperors shall encroach on the limits of the other; neither of them shall in future erect any new buildings on the boundary line; it shall not be marked out by stones. It shall, in a word, remain such as it was between the two countries before the conquest of the Empire of Algeria by the French.

Art. II.—The Plenipotentiaries have traced the boundary by means of the places through which it passes, and concerning which they have come to an agreement, so that this boundary has become as clear and as evident as would be a line traced.

That which is to the east of this frontier line belongs to the Empire of Algeria.

All that is to the west belongs to the Empire of Morocco.

Boundary Line Defined.

Art. III.—The description of the commencement of the boundary and of the places through which it passes is as follows:—

This line commences at the mouth of the Wady (" l'embouchure de l'oued (c'est à dire cours d'eau ")) Adjeroud on the sea; it ascends

* S.P., vol. xxxii, p. 1202.
† S.P., vol. xxxiv, p. 1287.

this watercourse as far as the ford (qué), where it takes the name of Kis; then it follows again the same watercourse as far as its source, which is called Ras-el-Aïoun, and which is situated at the foot of three hills bearing the name of Menasséb-Kis, which, on account of their situation to the east of the Wady (l'oued), belong to Algeria. From Ras-el-Aïoun this same line follows on the crest of the neighbouring mountains until it reaches Drâ-el-Doum; then it descends into the plain called El-Aoudj. From there it goes nearly in a straight line to Haouch-Sidi-Aïed. Haouch itself, however, remains at about 500 cubits (coudees) (250 metres) on the east side, within the Algerian limits. From Haouch-Sidi-Aïed it runs on to Djerf-el-Baroud, situated on the Wady Bou-Nâïm; thence it goes to Kerkour-Sidi-Hamza; from Kerkour-Sidi-Hamza to Zoudj-el-Beghal, but leaving to the left the country of the Ouled-Ali-ben-Talha as far as Sidi Zahir, which is in Algerian territory, it follows the highway as far as Aïn-Takbalet, which is situated between the Wady Bou-Erda and the two olive trees called El-Toumiet, which are on Maroquine territory. From Aïn-Takbalet it follows the Wady Roubbam as far as Ras-Asfour; it follows beyond that the Kef, leaving the marabout Sidi-Abd-Allah-Ben-Mehammed-el-Hamlili to the east; then, after taking a turn to the west in following the defile El-Mechêmiche, it goes in a straight line to the marabout Sidi-Aïssa, which is at the extremity of the plain Missiouin. This marabout and its dependencies are in Algerian territory. Thence it runs southwards to Koudiet-el-Debbagh, a hill situated at the extreme limit of the Tell (*i.e.*, cultivated land). From there it takes a southerly course to Kheneg-el-Hada, whence it goes to Tenïet-el-Sassi, a defile the enjoyment of which belongs to the two Empires.

In order to establish more clearly the delimitation from the sea to the commencement of the desert, mention must not be omitted to be made both of land which touches immediately to the east of the above defined line, and of the names of the tribes which are thereon established.

Starting from the sea, the first territories and tribes are those of Beni-Mengouche-Tahta and Aâttïa. These two tribes are composed of Maroquine subjects, who have come to live in Algerian territory in consequence of grave dissensions having arisen between them and their brothers of Morocco. They parted on account of these dissensions, and came to seek refuge in the land which they now occupy, and of which they have not ceased obtaining the enjoyment from the Sovereign of Algeria, in consideration for an annual rent.

But the Plenipotentiary Commissioner of the Emperor of the French, being desirous of giving the Representative of the Emperor of Morocco a proof of French generosity, and of his inclination to draw closer the bonds of friendship and to maintain the good relations between the two States, has given his consent to the Maroquine Representative, to the remittance of this annual rent (500 francs for each of the two tribes) as a gift of hospitality, so that the two tribes above mentioned will have nothing to pay, in any way whatsoever, to the

Government of Algeria as long as peace and a good understanding shall subsist between the two Emperors of the French and of Morocco.

After the territory of the Aâttïa comes that of the Messirda, of the Achâche, of the Ouled-Mellouk, of the Beni-Bou-Saïd, of the Beni-Senous, and of the Ouled-el-Nahr. These six last tribes form part of those who are under the dominion of the Empire of Algeria.

It is also necessary to mention the territory touching immediately the west of the above-mentioned line, and to name the tribes which inhabit this territory. Starting from the sea, the first territory and the first tribes are those of the Ouled-Mansour-Rel-Trifa, those of the Beni-Iznêssen, of the Mezaouir, of the Ouled-Ahmed-ben-Brahim, of the Ouled-el-Abbês, of the Ouled-Ali-ben-Talha, of the Ouled Azouz, of the Beni-Bon-Hamdoun, of the Beni-Hamlil, and of the Beni-Mathar-Rel-Ras-el-Aïn. All these tribes belong to the Empire of Morocco.

*Desert of Sahara.**

Art. IV.—In the Sahara (desert) there is no territorial limit to be established between the two countries, since the land cannot be tilled, and can only be used as pasture ground for the Arabs of the two empires, who come and camp to find pasturage and the water which they may require. The two Sovereigns shall exercise in what manner they please the fulness of their rights over their respective subjects in the Sahara. And, moreover, if one of the two Sovereigns should have to take measures against his subjects, at a time when the latter may be intermingled with those of the other State, he shall take whatever measures he pleases against his own subjects, but he shall abstain from touching the subjects of the other Government.

Those Arabs dependent on the Empire of Morocco are: the M'beia, the Beni-Guil, the Hamian-Djenba, the Eûmour-Sahra, and the Ouled-Sidi-Cheikh-el-Gharaba.

Those Arabs who are dependent on Algeria are: the Ouled-Sidi-el-Cheik-el-Cheraga, and all the Hamians, except the Hamiano-Djenba above mentioned.

Desert Villages.

Art. V.—This article treats of the designation of the "kessours" (desert villages) of the two empires. The two Sovereigns shall follow, in this respect, the ancient custom established by time, and shall, in consideration one for the other, treat the inhabitants of the "kessours" with deference and kindness.

The "kessours" which belong to Morocco, are those of Yiche and Figuig.

The "kessours," which belong to Algeria, are: Aïn-Safra, Sfissifa, Assla, Tiout, Chellala, El-Abiad, and Bon-Semghonne.

* See also Declarations, Great Britain and France, 5th August, 1890, p. 738, and 21st March, 1899, p. 796; and Convention, France and Spain, 27th June, 1900, Art. I, p. 1165.

Country South of the Desert Villages.

Art. VI.*—With regard to the country, which is to the south of the " kessours " of the two Governments, as there is no water there, is uninhabitable, and the desert, properly so-called, the delimitation of it would be superfluous.

Art. VII.—*Non-rendition of Refugees by either Country.*

French Sphere of Influence South of her Mediterranean Possessions.

On the 5th August, 1890, a Declaration was signed between the British and French Governments, by Art. II of which the Government of Her Britannic Majesty recognized the sphere of influence of France to the south of her Mediterranean Possessions, up to a line from Saye, on the Niger, to Barruwa, on Lake Tchad, drawn in such a manner as to comprise in the sphere of action of the Niger Company all that fairly belonged to the Kingdom of Sokoto ; the line to be determined by the Commissioners to be appointed. (See GREAT BRITAIN AND FRANCE, p. 739.)

French and German action in Morocco. General Act of Algeciras Conference.

On the 8th April, 1904, a Declaration between Great Britain and France was signed, by which, in return for the undertaking given by France not to obstruct British action in Egypt, Great Britain undertook the same as regards French action in Morocco (see GREAT BRITAIN AND FRANCE, p. 820).

On the 3rd October, 1904, France and Spain signed a Declaration affirming the principle of the integrity of the Moroccan Empire under the sovereignty of the Sultan (p. 1168).

A proposal for a Conference of the Powers relative to the affairs of Morocco having been made by the Sultan, Notes were exchanged between the French and German Governments at Paris on the 8th July, 1905, by which France withdrew her objections to the proposal on the understanding that the Conference should not prosecute any matter prejudicially affecting the legitimate interests of France in the country or contrary to the rights resulting to her from Treaties. A Declaration was signed on the same day by which France and Germany agreed to withdraw their Missions from Fez, and on the 28th September, 1905, an Agreement between the two Powers was concluded at Paris formulating the programme of the Conference to be proposed to the Sultan.

The conference met at Algeciras early in 1906, and on the 7th April, 1906, a General Act was signed by the Plenipotentiaries of the European Powers and the United States of America adopting measures of reform based on the triple principle of the sovereignty and independence of the Sultan, the integrity of his States, and equal economic liberty for all.

* The Southern Boundary of Morocco has not yet been clearly defined (1908). Peregril Island belongs to Morocco.

No. 356.—*CONVENTION between Great Britain, Austria, Belgium, Spain, United States, France, Italy, Netherlands, Portugal, Sweden and Norway; and the Sultan of Morocco; relative to the Establishment and Maintenance of a Lighthouse on Cape Spartel. Signed in the French and Arabic languages, at Tangier, 31st May, 1865.**

(Translation.)

Construction of Lighthouse by Moorish Government.

Art. I.—His Sheriffian Majesty having, in the interest of humanity, ordered the construction, at the expense of the Morocco Government, of a lighthouse on Cape Spartel, consents to make over, during the whole duration of the present Convention, the entire direction and the administration of that establishment to the Representatives of the Contracting Powers. It is well understood that such delegation in no way affects the rights of property and sovereignty of the Sultan, whose flag shall alone be hoisted on the tower of the lighthouse.

Maintenance of Lighthouse.

Art. II.—The Morocco Government not possessing at present any navy, either of war or of commerce, the expenses necessary for the maintenance and administration of the lighthouse shall be defrayed by the Contracting Parties by means of an annual contribution which shall be equal in amount for each of them; if hereafter the Sultan should possess a military or mercantile navy, he engages to take part in the expenses in the same proportion as the other signing Powers. The expense of repairs, and, if need be, of reconstruction, shall moreover be at his charge.

Lighthouse Guard.

Art. III.—The Sultan shall furnish, for the security of the lighthouse, a guard composed of a kaid and four soldiers. He engages besides to provide, by every means in his power, even in case of war, either internal or external, for the preservation of that establishment, as well as for the security of the keepers and persons employed there.

Neutrality to be Respected.

On the other hand, the Contracting Powers engage, each so far as it is concerned, to respect the neutrality of the lighthouse and to continue the payment of the contribution destined for its maintenance, even in the event (which God forbid) of hostilities breaking out either between them, or between any one of them and the Kingdom of Morocco.

Art. IV.—*Regulations for Service and Superintendence of Establishment.*

* H.T., vol. xii, p. 658; S.P., vol. lv, p. 16. Germany acceded to this Convention, 4th March, 1878, H.T., vol. xiv, p. 375, and Russia acceded 1st January, 1899, H.T., vol. xxi, p. 711.

Art. V.—*Duration of Convention.*

Art. VI.—*Engagement subject to Constitutional Laws of the Contracting Parties.*

[Ratifications exchanged at Tangier, 14th February, 1867.]

[On the 27th—29th January, 1892, Notes were exchanged between the British and French Governments respecting the establishment of a signal station at Cape Spartel, and the conditions under which its management would be undertaken by Lloyd's Committee. This arrangement was made known by Great Britain to the other Treaty Powers in February, 1892.]

NETHERLANDS.

(SEE GREAT BRITAIN AND NETHERLANDS.)

PORTUGAL.

PORTUGAL.

LIST OF TREATIES, &c.

PORTUGAL AND AFRICA (EAST COAST).

See Great Britain and Portugal.

PORTUGAL AND AFRICA (GENERAL).

26 Feb., 1885. Berlin Act. See Africa (General).
2 July, 1890. Brussels Act. See Africa (General).

PORTUGAL AND AFRICA (WEST COAST).

See France (Dahomey).

PORTUGAL AND CONGO.

See Congo and Portugal.

PORTUGAL AND FRANCE.

See France and Portugal.

PORTUGAL AND GERMANY.

See Germany and Portugal.

PORTUGAL AND GREAT BRITAIN.

See Great Britain and Portugal.

PORTUGAL AND SOUTH AFRICAN REPUBLIC (TRANSVAAL).

See British South Africa (Transvaal).

PORTUGAL AND SPAIN.

See Spain and Portugal.

PORTUGAL AND ZANZIBAR.

See British East Africa (Zanzibar).

SPAIN.

SPAIN.

LIST OF TREATIES, &c.

No.				Page
357	1479—1900.	Notes	On Spanish Possessions in Africa	1162

SPAIN AND AFRICA (NORTH-WEST COAST).

358	9 Jan., 1885.	Notification	Spanish Protection over North-West Coast of Africa. Cape Blanco to Cape Bojador	1163
—	6 Apr., 1887.	Decree	Placing above Territory under the charge of the Spanish Captain General in the Canary Islands. Note	1164

See also Spain and France.

SPAIN AND CONGO FREE STATE.

See Congo and Spain.

SPAIN AND FRANCE.

359	27 June, 1900.	Convention	Delimitation of Possessions in West Africa	1165
360	3 Oct., 1904.	Declaration	Integrity of Morocco	1168

SPAIN AND ITALY.

361	Dec., 1887.	Exchange of Notes.	Spanish Naval Station and Coaling Depôt on Danakil Coast (Assab Bay)	1168

SPAIN AND MOROCCO.

357	25 Aug., 1844.	Treaty	Limits of Ceuta. (See Treaty, 7th October, 1844)	1162
362	7 Oct., 1844.	Treaty	Limits of Ceuta	1170
363	6 May, 1845.	Treaty	Frontiers of Ceuta-Larache	1171
364	24 Aug., 1859.	Convention	Limits of Jurisdiction of Melilla	1172
365	26 Apr., 1860.	Treaty	Extension of Jurisdiction of Fortress of Ceuta	1173
366	30 Oct., 1861.	Treaty	Melilla Boundary	1176
—	26 June, 1862.	Act of Delimitation.	Fortress of Melilla	1176
—	5 Mar., 1894.	Treaty	Settlement of Differences	1177
367	24 Feb., 1895.	Convention	Supplementary to Treaty of 1894. Indemnity, Fortress and Territory of Melilla, &c.	1178

SPAIN AND PORTUGAL.

368	1 Mar., 1778.	Treaty	Portugal and Spain. Cession of Islands of Fernando Po and Annabon to Spain	1180
368	24 Oct., 1778.	Act	Cession of Fernando Po. Note by Portugal to Spain	1179
—		Note	Islands of Fernando Po and Annabon	1180

No. 357.—*Notes on SPANISH POSSESSIONS IN AFRICA.* 1479–1900.

*Canary Islands.**

In 1479 the Canary Islands were ceded by Portugal to the Crown of Castile, in whose possession they have remained ever since.

*Melilla.**

In 1490 Melilla came into the possession of Spain.

*Fernando Po and Annabon **

On the 1st March, 1778, Portugal engaged by Treaty to cede the Islands of Fernando Po and Annabon to Spain, and the Act of Cession was signed on the 24th October, 1778 (**No. 368**).

*Ceuta.**

In 1580 Ceuta, which had been captured by King John I. of Portugal in 1415, came into the possession of Spain, together with the Crown of Portugal, and was confirmed as Spanish in 1640.

On the 25th August, 1844, a Treaty was concluded between Spain and Morocco, in which the limits of Ceuta were defined to be as follows:—"The first of these limits is from the sea to the Barranca Hafats Accadar, in the portion of the Tinidac, as far as the Jandac—Bab-el-Arais Sea (Barranca of the las Novias Gate), which is the bed of the waters in the rainy season; and the first limit on the right-hand side passing at the Barranca Larais is within the limits of Ceuta, and the left side belongs to the Moors."

On the 7th October, 1844, the above Treaty was confirmed (**No. 362**).

Ceuta, Larache, Melilla, &c.

On the 6th May, 1845, another Treaty was signed between Spain and Morocco relative to the Ceuta—Larache frontiers, and for the proper conduct of the Moors on the frontier of Melilla, Alhucemas, and Peñon de la Gomera (**No. 363**).

On the 24th August, 1859, a Convention was concluded between Spain and Morocco for the extension of Spanish jurisdiction near Melilla, &c. (**No. 364**).

On the 26th April, 1860, another Treaty was concluded between Spain and Morocco for the extension of the jurisdiction of the Spanish fortress of Ceuta (**No. 365**).

And on the 30th October, 1861, a further Treaty was concluded between Spain and Morocco respecting the limits of the fortress of Melilla (**No. 366**), and the delimitation of the territory settled by a Protocol signed at Tangier on the 26th June, 1862 (see p. 1176).

* Taken from various Geographical Works.

Cape Spartel Lighthouse.

Spain was a party to the International Convention signed at Tangier on the 31st May, 1865, respecting the Cape Spartel lighthouse (**No. 356**).

North-West Coast of Africa.

On the 9th January, 1885, the Spanish Government gave formal notice of the extension of Spanish protection over certain territories on the North-West Coast of Africa, extending from Cape Blanco to Cape Bojador (**No. 358**); and on the 6th April, 1887, a Spanish Decree was issued, placing this territory under the charge of the Spanish Governor-General of the Canary Islands (p. 1164).

West Coast of Africa. French and Spanish Claims.

The Spanish claim to territory on the West Coast of Africa apparently extended from the River Campo down to Santa Clara, that is to say, to the northern frontier of the French Colony on the River Gaboon, including Cape St. John, the Mooney (Mani or Danger) River, Corisco Bay, Corisco and Elobey Islands in that bay, and Esteiras on the mainland, south of the Moondah River This claim, however, was disputed by France, and a Joint Commission sat in Paris on several occasions from 1886 for the purpose of bringing about a satisfactory settlement of this dispute. On the 27th June, 1900, a Convention was signed at Paris between France and Spain for the delimitation of their Possessions in West Africa (**No. 359**), in Art. IV of which the line of Boundary between their Possessions on the coast of the Gulf of Guinea was laid down.

No. 358.—*SPANISH Notification of the Extension of Spanish Protection over certain Territories on the North-west Coast of Africa. 9th January*, 1885.

(1.) *The Marquis de Casa Laiglesia to Earl Granville.*—(*Received 12th January.*)

(Translation.)

Spanish Legation, London, 9th January, 1885.

My Lord,

By order of my Government, I have the honour to bring to your Excellency's notice that, as solicited on different occasions by the Spanish African and Colonists Society and the Canary-African Fisheries Society, considering the importance of the Spanish Settlements established on the Gold River (Rio Oro) (latitude 23° 36′ north, longitude 9° 49′ west), at Angra de Cintra (latitude 23° 6′ north, longitude 10° 0′ 1″ west), and at Western Bay (latitude 20° 51′ north, longitude 10° 56′ west),* on the Western Coast of Africa, and in view

* Cape Blanco.

of the documents which the independent tribes of this part of the coast, who have on various occasions solicited and obtained Spanish protection, have signed before the representative of the Spanish African and Colonists Society, Don Emilio Bonelli, during the expedition which took place in November last, on board the ship of war "Ceres," in conjunction with Captain Don Pedro de la Puente, His Majesty the King, my august Sovereign, desirous of giving proof of the solicitude with which he endeavours to advance the industrial and commercial interests of Spain, has been pleased to confirm the Acts of Adhesion signed before Señor Bonelli, and to take under his protection the territories of the Western Coast of Africa comprised between the fore-mentioned Western Bay and Cape Bojador (latitude 26° 8′ north, longitude 8° 17′ west), and in which are included, besides the points stated, Las Puntas and La Bombarda, without prejudice to the existing proved rights of third parties.

I avail, &c.,
MARQUIS DE CASA LAIGLESIA.

British Acceptance of the above Notification.

(2.) *Earl Granville to the Marquis de Casa Laiglesia.*

M. le Ministre, *Foreign Office, 28th January*, 1885.

I HAVE the honour to acknowledge the receipt of your note of the 9th instant, stating that His Majesty the King of Spain has been pleased to take under his protection, without prejudice to the existing rights of third parties, the territories of the Western Coast of Africa as therein detailed.

I have, &c.,
GRANVILLE.

[On the 6th April, 1887, a Spanish Decree was issued, placing the above territory under the charge of the Spanish Governor-General of the Canary Islands, &c.

The following is an extract from that Decree, in the language in which it was published in the "Madrid Gazette" of April 7th, 1887 :—

"Articulo 1.°—Los territorios de la costa Sahárica comprendidos entre la bahia del Oeste del cabo Blanco, situada á los 20 grados 51 minutos de latitud Norte, y 10 grados 56 minutos de longitud Oeste, y el cabo Bojador colocado á los 20 (sic 26) grados 8 minutos de latitud Norte, y 8 grados 17 minutos de longitud Oeste, quedan incorporados á la Capitania general de las islas Canarias."]

Note.—A Convention between France and Spain for the delimitation of their Possessions in West Africa was signed at Paris on the 27th June, 1900, in which (Art. I) the line of Boundary between their Possessions on the Coast of the Sahara was laid down. (See **No. 359.**)

No. 359.—*CONVENTION between France and Spain for the Delimitation of their Possessions in West Africa. Signed at Paris, 27th June*, 1900.*

[Ratifications exchanged at Paris, 22nd March, 1901.]

Le Président de la République Française et Sa Majesté le Roi d'Espagne et, en son nom, Sa Majesté la Reine-Régente du Royaume, désireux de resserrer les liens d'amitié et de bon voisinage qui existent entre les deux pays, ont résolu de conclure, à cet effet, une Convention spéciale pour la délimitation des possessions Françaises et Espagnoles dans l'Afrique Occidentale, sur la côte du Sahara et sur la côte du Golfe de Guinée, et ont nommé pour leurs Plénipotentiaires, savoir :

Le Président de la République Française, son Excellence M. Th. Delcassé, Député, Ministre des Affaires Étrangères de la République Française, Chevalier de l'Ordre National de la Légion d'Honneur, Grand-Croix de l'Ordre Royal et Distingué de Charles III ;

Et Sa Majesté le Roi d'Espagne et, en son nom, Sa Majesté la Reine-Régente, son Excellence M. Fernando de Leon y Castillo, décoré de l'Ordre Royal et Distingué de Charles III, Grand-Croix de l'Ordre National de la Légion d'Honneur, Membre de l'Académie des Sciences Morales et Politiques de Madrid, son Ambassadeur Extraordinaire et Plénipotentaire près le Président de la République Française ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

Sahara Frontier.

Art. I.—Sur la côte du Sahara, la limite entre les possessions Françaises et Espagnoles suivra une ligne qui, partant du point indiqué par la carte de détail (A) juxtaposée à la carte formant l'Annexe 2 à la présente Convention, sur la côte occidentale de la péninsule du Cap Blanc, entre l'extrémité de ce cap et la baie de l'ouest, gagnera le milieu de la dite péninsule, puis, en divisant celle-ci par moitié autant que le permettra le terrain, remontera au nord jusqu'au point de rencontre avec le parallèle 21° 20′ de latitude nord. La frontière se continuera à l'est sur le 21° 20′ de latitude nord jusqu'à l'intersection de ce parallèle avec le méridien 15° 20′ ouest de Paris (13° ouest de Greenwich). De ce point, la ligne de démarcation s'élèvera dans la direction du nord-ouest en décrivant, entre les méridiens 15° 20′ et 16° 20′ ouest de Paris (13° et 14° ouest de Greenwich), une courbe qui sera tracée de façon à laisser à la France, avec leurs dépendances, les salines de la région d'Idjil, de la rive extérieure desquelles la frontière se tiendra à une distance d'au moins 20 kilom. Du point de rencontre de la dite courbe avec le méridien 15° 20′ ouest de Paris (13° ouest de Greenwich), la frontière gagnera aussi directement que possible l'intersection du tropique du cancer avec le méridien 14° 20′ ouest de Paris (12° ouest de Greenwich), et se prolongera sur ce dernier méridien dans la direction du nord.

*See note, p. 1163, on French and Spanish Claims on the West Coast of Africa.

Il est entendu que, dans la région du Cap Blanc, la délimitation qui devra y être effectuée par la Commission Spéciale visée à l'Article VIII de la présente Convention, s'opérera de façon que la partie occidentale de la péninsule, y compris la baie de l'ouest, soit attribuée à l'Espagne, et que le Cap Blanc proprement dit et la partie orientale de la même péninsule demeurent à la France.

Art. II.—*Mutual Fishing Rights. Cape Blanco.*

Art. III.—*No Export Duty on Native Salt.*

Limits in Gulf of Guinea.

Art. IV.—La limite entre les possessions Françaises et Espagnoles sur la côte du Golfe de Guinée partira du point d'intersection du thalweg de la Rivière Mouni avec une ligne droite tirée de la pointe Coco Beach à la pointe Diéké. Elle remontera ensuite le thalweg de la Rivière Mouni et celui de la Rivière Outemboni jusqu'au point où cette dernière rivière est coupée pour la première fois par le 1er degré de latitude nord et se confondra avec ce parallèle jusqu'à son intersection avec le 9e degré de longitude est de Paris (11° 20′ est de Greenwich).

De ce point la ligne de démarcation sera formée par le dit méridien 9° est de Paris jusqu'à sa rencontre avec la frontière méridionale de la Colonie Allemande de Cameroun.

Art. V.—*Reciprocal rights of Access of French or Spanish Ships in the Territorial Waters of the other. Mutual Fishing Rights in Rivers Muni and Utamboni.*

Art. VI.—*Rights, &c., stipulated in Articles II, III and V not to be transferred to people of other Countries.*

Right of pre-emption by France of Spanish Possessions referred to in Arts. I and IV.

Art. VII.—Dans le cas où le Gouvernement Espagnol voudrait céder, à quelque titre que ce fût, en tout ou en partie, les possessions qui lui sont reconnues par les Arts. I et IV de la présente Convention, ainsi que les Iles Elobey et l'Ile Corisco voisines du littoral du Congo Français, le Gouvernement Français jouira d'un droit de préférence dans des conditions semblables à celles qui seraient proposées au dit Gouvernement Espagnol.

Boundary Commissions to be appointed.

Art. VIII.—Les frontières déterminées par la présente Convention sont inscrites sous les réserves formulées dans l'Annexe No. 1 à la présente Convention, sur les cartes ci-jointes (Annexes Nos. 2 et 3).

Les deux Gouvernements s'engagent à désigner dans le délai de quatre mois à compter de la date de l'échange des ratifications, des Commissaires qui seront chargés de tracer sur les lieux les lignes de démarcation entre les possessions Françaises et Espagnoles, en conformité et suivant l'esprit des dispositions de la présente Convention.

Il est entendu entre les deux Puissances Contractantes qu'aucun changement ultérieur dans la position du thalweg des Rivières Mouni

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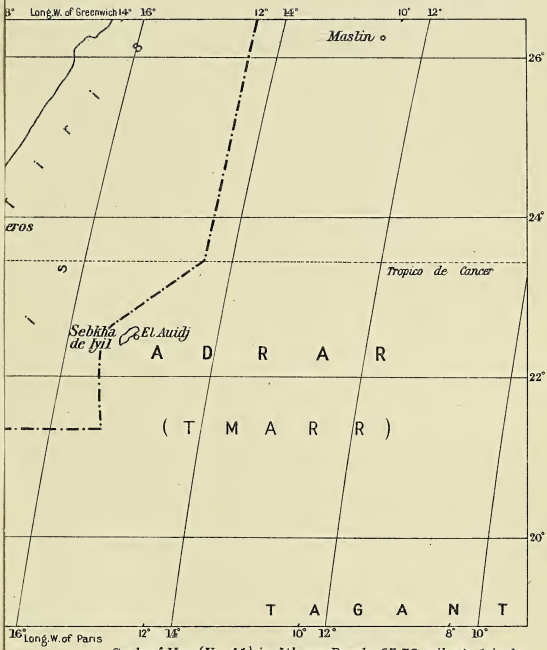
:EN FRANCE AND SPAIN
E 27, 1900.

To face page 1166.

"ANNEX Nº 2"



Scale of Map (No. 41) in Atlas or Pouch, 63·72 miles to 1 inch,

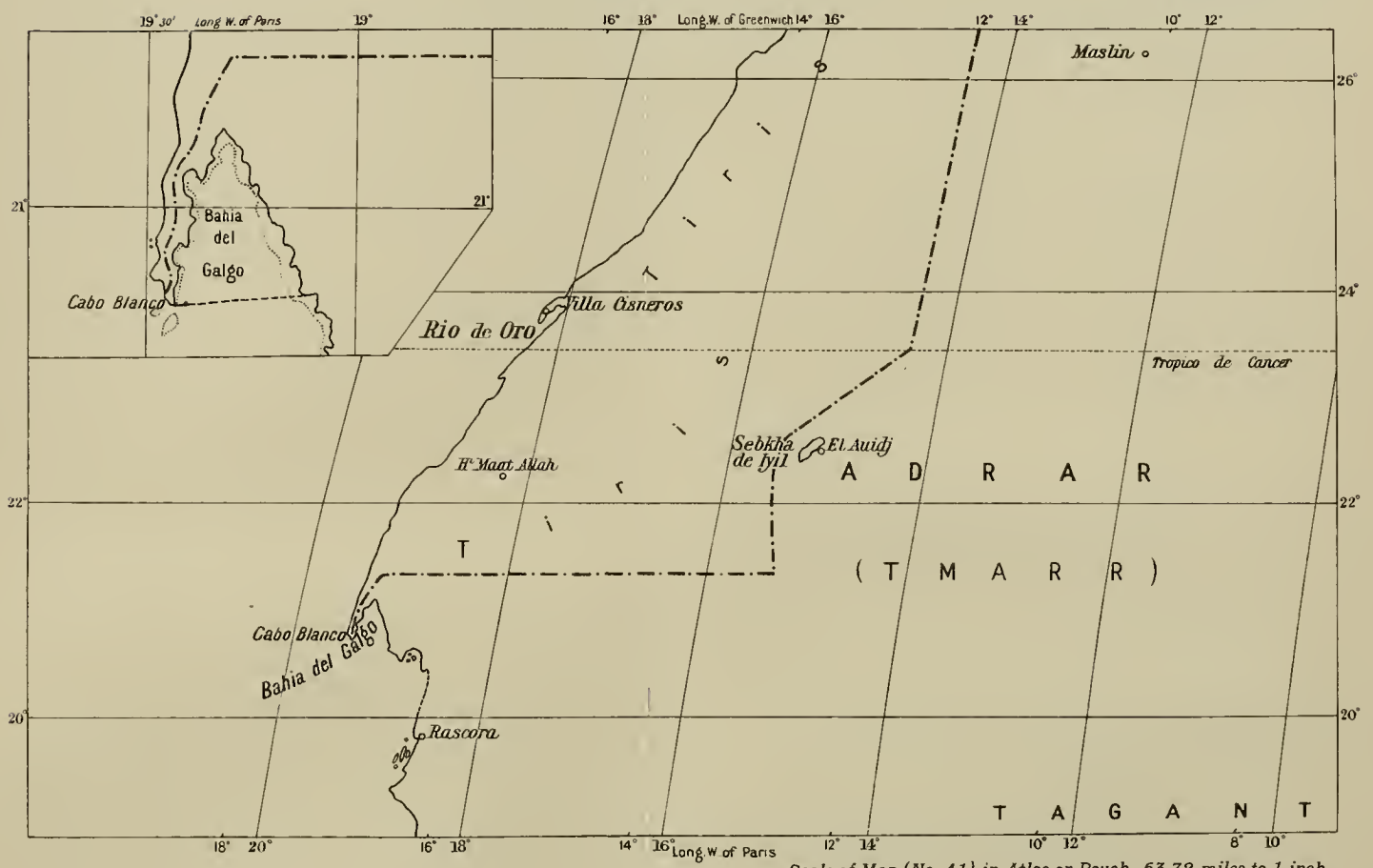
Ordnance Survey, Southampton.

To face page 1166.

RIO DE ORO.

CONVENTION BETWEEN FRANCE AND SPAIN OF JUNE 27, 1900.

"ANNEX N° 2"



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To face page 1166.

GUINEA ESPAÑOLA.

CONVENTION BETWEEN FRANCE AND SPAIN OF JUNE 27, 1900.

"ANNEX No 3"

Approx. scale of Map (No. 42) in Atlas or Pouch, 17·57 miles to 1 inch.

Ordnance Survey, Southampton

et Outemboni n'affectera les droits de propriété sur les îles qui auront été attribuées à chacune des deux Puissances par le procès-verbal des Commissaires dûment approuvé par les deux Gouvernements.

Treatment of Native Chiefs.

Art. IX.—Les deux Puissances Contractantes s'engagent réciproquement à traiter avec bienveillance les Chefs qui, ayant eu des Traités avec l'une d'elles, se trouveront en vertu de la présente Convention passer sous la souveraineté de l'autre.

Art. X.—La présente Convention sera ratifiée, et les ratifications en seront échangées à Paris dans le délai de six mois ou plus tôt, si faire se peut.

En foi de quoi, les Soussignés ont dressé la présente Convention, qu'ils ont revêtue de leur cachet.

Fait à Paris, en double exemplaire, le 27 Juin, 1900.

(L.S.) DELCASSÉ.
(L.S.) F. DE LEON Y CASTILLO.

Annexe No. 1.

Bien que le tracé des lignes de démarcation sur les cartes annexées à la présente Convention (Annexes Nos. 2 et 3) soit supposé être généralement exact, il ne peut être considéré comme une représentation absolue, correcte de ces lignes, jusqu'à ce qu'il ait été confirmé par de nouveaux levés.

Il est donc convenu que les Commissaires ou Délégués locaux des deux pays qui seront chargés, par la suite, de délimiter tout ou partie des frontières sur le terrain, devront se baser sur la description des frontières telle qu'elle est formulée dans la Convention. Il leur sera loisible, en même temps, de modifier les dites lignes de démarcation en vue de les déterminer avec une plus grande exactitude et de rectifier la position des lignes de partage des chemins ou rivières, ainsi qui des villes ou villages indiqués dans les cartes susmentionnées.

Les changements ou corrections proposés d'un commun accord par les dits Commissaires ou Délégués seront soumis à l'approbation des Gouvernements respectifs.

DELCASSÉ.
F. DE LEON Y CASTILLO.

Annexes Nos. 2 et 3. Cartes.—(See Diagram Maps facing p. 1166, and Maps Nos. 41 and 42 in Atlas, or Pouch.)

No. 360.—*DECLARATION between France and Spain relative to the Integrity of Morocco. Signed at Paris, 3rd October,* 1904.

Le Gouvernement de la République Française et le Gouvernement de Sa Majesté le Roi d'Espagne, s'étant mis d'accord pour fixer l'étendue des droits et la garantie des intérêts qui résultent, pour la France, de ses possessions Algériennes, et, pour l'Espagne, de ses possessions sur la côte du Maroc, et le Gouvernement de Sa Majesté le Roi d'Espagne ayant en conséquence donné son adhésion à la Déclaration Franco-Anglaise du 8 Avril, 1904 (**No. 252**), relative au Maroc et à l'Egypte, dont communication lui avait été faite par le Gouvernement de la République Française, déclarent qu'ils demeurent fermement attachés à l'integrité de l'Empire Marocain sous la souveraineté du Sultan.

En foi de quoi les Soussignés, son Excellence le Ministre des Affaires Étrangères et son Excellence l'Ambassadeur Extraordinaire et Plénipotentiaire de Sa Majesté le Roi d'Espagne près le Président de la République Française, dument autorisés à cet effet, ont dressé la présente Déclaration, qu'ils ont revêtue de leurs cachets.

Fait, en double exemplaire, à Paris, le 3 Octobre, 1904.

(L.S.) DELCASSÉ.
(L.S.) F. DE LÉON Y CASTILLO.

No. 361.—*NOTES exchanged between Spain and Italy, respecting the establishment of a Spanish Naval Station in Assab Bay. Rome, December,* 1887.*

No. 1.—*The Spanish Minister Plenipotentiary at Rome to the Italian Minister for Foreign Affairs.*

(Translation.)

M. le Ministre, *Rome, December* 2, 1887.

In resuming the correspondence which took place with your Excellency and with your predecessor, M. Depretis, in June last respecting the cession of territory on the coast of the Red Sea which my Government wishes to acquire in order to establish there a naval station and coaling depôt for vessels belonging to the Spanish navy proceeding to or from our Possessions in the East, I have the honour to propose the following conditions which are similar to those recently accorded to Germany with regard to the station on the Island of Fernando Po :—

1. The Government of His Majesty the King of Italy will cede to His Majesty the King of Spain the territory on the coast comprised between Ras Garibal (Sentenil Point) and Ras Marcana, in Assab Bay, at 2 miles distance from the town of that name. The said territory has a sheltered anchorage at the Island of Om-el-Bahar, and

* S.P., vol. lxxix, p 775.

can afford a safe harbour and protection from the winter monsoons for two or three vessels of different tonnage.

2. The concession of this right shall be for a period of at least 15 years, and shall continue for an indefinite period unless the Convention be denounced by one of the two countries. The denunciation shall in any case be made one year in advance.

3. This concession in no way diminishes or alters the sovereignty of Italy over the territory ceded.

4. In the event of war between Italy and any other country, the naval station shall be considered entitled to all the guarantees permitted by international law.

The last clause does not exclude the possibility of making use of the station when, for a military object, it may eventually be convenient to do so, and further, Italy reserves an absolute right to prevent any other country using such station to the prejudice of the former.

If your Excellency agrees to the foregoing proposals authorized by my Government, I have to request that, in order to give them diplomatic force and character, they may be communicated to me in the reply which your Excellency may direct to be given to this note, and which will complete the reciprocal agreement between the two Governments.

I have, &c.,
EL CONDE DE RASCON.

Signor Crispi.

No. 2.—The Italian Minister for Foreign Affairs to the Spanish Minister Plenipotentiary at Rome.

(Translation.)

M. le Ministre, *Rome, December* 13, 1887.

THE note which your Excellency was good enough to address to me on the 2nd instant resumes, in the following terms, the negotiation carried on between the Royal Government and the Government of Her Majesty the Queen-Regent respecting the cession in favour of Spain of a zone of territory in the Italian possessions in the Red Sea, in order to establish there a naval station and coaling depôt :—

[Here follow the conditions in the terms contained in the note of the 2nd December, 1887, p. 1168.]

In conclusion, your Excellency expressed the desire that I should at once consent to the conditions laid down by you in virtue of the authorization received from your Government, in order that they might receive diplomatic force and character by their formal communication, and that the exchange of notes between us should constitute the reciprocal Agreement between the two Governments.

Having attentively examined your Excellency's note to me, and carefully compared it with the documents relating to the negotiations which have led to this result, I have the satisfaction to notify that

the Royal Government accepts and ratifies, on its part, the conditions enumerated by your Excellency in your note of the 2nd December, the Agreement between the two Governments being thus fully and perfectly established on the basis of those conditions.

I have, &c.,
F. CRISPI.

El Conde de Rascón.

No. 362.—*TREATY between Spain and Morocco respecting the limits of Ceuta. Concluded on the 7th October*, 1844.*

(Translation.)

PRAISE be to God! The Imperial Order to which obedience is due, having reached the present official at the Port of Tangier (defended by God) for replacing the limits of Ceuta as they were in the days of the predecessors of our master, to whom may God lend his aid, the above-mentioned official has ordered in virtue of the Imperial command, these limits to be replaced in their primitive condition, in conformity with Article I, and his answer, of the Treaty of the 9th Schaabars of the year of the date (25th August, 1844†), such as they were in the time of our master, protected by God, and in the time of his predecessors the generals and the purified; and that posts and demarcations be set up, so that there should remain no doubt or motive for discussion, in the presence of the Mediators between the two Governments, the Agent and Consul-General of the Queen of Great Britain, Drummond Hay; of the Consul-General Plenipotentiary and Chargé d'Affaires of Spain on behalf of the Queen, Don Antonio Ordonez; of the Official of Cabila de Angera, Shiekh Mohammed-ben-Tay-et-Canchua; and of the Kaïd of the Guard of Ceuta, and the actual Resident, Cid Ahmed-el-Assary.

Limits of Ceuta defined.

The above have all presented themselves to verify the limits, and they have found visible remains of those which formerly existed The first of these limits is from the sea to the Barranca Hafats Accadar, in the portion of the Tinidac, as far as the Jandac-Bab-el-Arais Sea (Barranca of the las Novias Gate), which is the bed of the waters in the rainy season; and the first limit on the right hand side passing at the Barranca Larais, is within the limits of Ceuta, and the left side belongs to the Moors; and the mediating agent set up marks mentioned at the same limits, so that pillars of materials or of other things may be constructed in large numbers and without opposition.

The said Mediator also set up and placed on the flat ground between the two Barrancas above mentioned, a pillar of stones, with the object of better designating the ancient limits, such as they were formerly; and each of the parties shall be at liberty to make use of the water from a spring which is situated at the end of the Barranca of Larais, on the

* S.P., vol. xxxiv, p. 1273.
† See p. 1162.

Ceuta side, and place within these limits the goods they may deem necessary.

One copy of this document was drawn up on the 23rd of Ramadan-el-Mecadem, 1260, corresponding with the 7th October, of the year of the Messiah, 1844.

(L.S.) E. W. A. DRUMMOND HAY.
(L.S.) ANTONIO DE BERAMENDI.

The servant of the Court reared by God, to whom may God in his generosity be gracious.
(Seal of the Pasha.) BUSILHAM-BEN-ALI.

No. 363.—*TREATY between Spain and Morocco, relative to the Frontiers of Ceuta-Larache. 6th May,* 1845.*

[Concluded under the mediation of Sir John Henry Drummond Hay, British Agent and Consul-General in Morocco.]
(Translation.)

Frontiers of Ceuta to be Re-established.

Art. I.—The Frontiers of Ceuta shall be re-established in the state they were formerly, and in conformity with Article XV of the Treaty of Peace in force.† This has been executed and accomplished in all its details on the 7th October last (23 of Ramadan, 1260) (**No. 362**), as is mentioned in the above-said Treaty between Her Majesty the Queen of Spain and the Sultan of Morocco.

Conduct of Moors on Frontier of Melilla, Alhucemas, and Penôn.

Art. II.—The Sultan of Morocco shall give orders to the Moors on the frontier of Melilla, Alhucemas, and Penôn de la Gomera, that they may, in future, conduct themselves properly towards the inhabitants of these places, and towards the ships which shall approach their coast.

Art. III.—*Export Duties.*

Art. IV.—*Satisfaction of Spain at Reprimand addressed to Governor of Mazagan and at Salute to Spanish Flag, &c.*

* S. P.,vol. xxxiv, p. 1274.
† See p. 1162.

No. 364.—*CONVENTION between Spain and Morocco, extending the limits of the jurisdiction of Melilla, and establishing the adoption of measures necessary for the security of the Spanish Fortresses on the Coast of Africa. Concluded at Tetuan on the 24th August*, 1859.*

[*Confirmed by Treaty of 26th April*, 1860 (**No. 365**).† *Ratified on the 26th May*, 1860.]

(Translation.)

Preamble.

Cession to Spain of additional Territory near Melilla.

Art. I.—His Majesty the King of Morocco being desirous of giving His Catholic Majesty an evident mark of the good sentiments with which he is animated, and wishing to contribute, in so far as it depends upon him, to the safe guarding and security of the Spanish places on the coast of Africa, agrees to cede to His Catholic Majesty the possession and full sovereignty of the territory in the vicinity of the Spanish place, Melilla, as far as the points most suitable for the defence and tranquility of this Fortress.

Limits of Cession to be fixed by Engineers.

Art. II.—The limits of this concession shall be fixed by Spanish and Maroquine engineers, who shall adopt as their basis of operations, for fixing the extension of the said limits, the range of a piece of cannon of 24 of the old make.

Formal Transfer of Territory to be made.

Art. III.—In the shortest space of time possible, from the day of the signature of the present Convention, and as laid down in Article II, the tracing of the line, which goes from the north side to the south side of the place, and which in future shall be the limit of the territory and jurisdiction of Mililla, shall be proceeded with by common consent and with suitable solemnity.‡

Neutral Ground between Moorish and Spanish Territories.

Art. IV.—Between the territories subject to Spanish and Maroquine jurisdiction, a neutral ground shall be determined.§ The limits of this ground shall be, on the Melilla side, the line of Spanish jurisdiction laid down in the Act of Delimitation, to which Article III relates, and on the Riff side, the line which shall be determined by common consent as the line of separation between the territory under the jurisdiction of the King of Morocco and the neutral ground above mentioned.

* Tratados de España. Don Florencio Janer., p. 192.
† See also Treaty of 30th October, 1861, p. 1176.
‡ An Act of Delimitation was signed at Tangier on the 26th June, 1862. (See Note to No. 366, p. 1176.)
§ See footnote, p. 1176.

Moorish Guards to be placed near Melilla.

Art. V.—His Majesty the King of Morocco engages to place on the limit of the territory on the frontier of Melilla, a Caïd or Governor with a detachment of soldiers, so as to repress any act of aggression on the part of the inhabitants of Riff, which might tend to interfere with the good relations between the two Governments.

Moorish Guards at Penôn and Alhucemas.

Art. VI.—With a view of preventing the hostilities, which at various times have had for their object the places of Penôn and Alhucemas, His Majesty the King of Morocco, moved by the just desire with which he is animated, shall give the necessary orders for establishing in the vicinity of these places a Caïd with sufficient troops to cause the rights of Spain to be respected, and to favour efficaciously the free entry into these towns of food and rations necessary for their garrisons.

The detachments, which are to be placed on the frontier of Melilla or in the neighbourhood of Penôn and Alhucemas, shall be solely composed of troops of the Maroquine army, chiefs or troops from Riff shall not be permitted to be placed there or charged with this duty.

(L.S.) JUAN BLANCO DEL VALLE.
The servant of His Majesty whom may God exalt,
(L.S.) MOHAMMED EL JETIB, to whom may God be propitious.

No. 365.—*TREATY of Peace and Amity, between Spain and Morocco. Signed at Tetuan, 26th April,* 1860.*

[Ratifications exchanged, 26th May, 1860.]

Extension of Jurisdiction of Spanish Fortress of Ceuta.

Art. II.—In order to make the causes disappear which gave rise to the war now happily terminated, His Majesty the King of Morocco, actuated by his sincere desire to consolidate peace, consents to extend the territory under the jurisdiction of the Spanish Fortress of Ceuta, as far as the points most convenient for the complete security and defence of the garrison in that place, in the manner agreed upon in the following Article.

Cession of Territory by Morocco to Spain. Boundaries.

Art. III.—In order to carry into effect what is stipulated in the preceding Article, His Majesty the King of Morocco cedes to Her Majesty the Queen of Spain, in full dominions and sovereignty, the territory included between the sea and along the heights of Sierra Bulloues, and the ravine of Angera, as a consequence of the above,

* S.P., vol. li, p. 928. Altered by Treaty of 30th October, 1861, p. 1176.

His Majesty the King of Morocco cedes to Her Majesty the Queen of Spain, in full dominion and sovereignty the whole of the territory comprised from the sea, starting, as near as possible, from the eastern point of the first bay of Handag-Rahma, on the north coast of the garrison of Ceuta, at the ravine or gully, which there terminates, rising to the east side of the ground where the prolongation of the Monte del Renegado, which runs in a similar direction from the coast, is the most abruptly depressed, and terminates in a scarped eminence of shaly stone, descending along the margin from the entrance of the neck that is there situated, by the skirt of declivity of the mountains or slopes of Sierra Bulloues, on the principal summits of which are the redoubts of Isabel Sequinda, Francisco de Asis, Pinier, Cisueros, and Principe Alfonso, in Arabic Vad-Arriat, and terminates at the sea, after forming altogether a semicircle that ends in the bay of the Principe Alfonso, in Arabic Val-Arriat, which is the south coast of the aforesaid garrison of Ceuta, according to what has already been determined upon by the Spanish and Moorish Commissioners, as stated in the document drawn up and signed by them on the 4th of April of the present year.

Neutral Ground.

In order to maintain these boundaries, there shall be established neutral ground extending from the slopes on the opposite side of the ravine to the summits of the mountains from one side of the sea to the other, as is stipulated in the Act referred to in the present Article.

Art. IV.—*Boundary Commissioners to be Appointed.*

Treaty of 24th August, 1859, to be Ratified.

Art. V.—His Majesty the King of Morocco shall ratify as soon as possible the Convention which the Plenipotentiaries of Spain and Morocco signed at Tetuan on the 24th of August of the last year (1859).*

Confirmation of Territorial Concessions, &c.

His Maroquine Majesty confirms from this day the territorial concessions which by that international compact were made in favour of Spain, and the guarantees and privileges,

Moorish Guards at Penôn and Alhucemas.

and (all that relates to) the Moorish Guards at Penôn and Alhucemas, as expressed in Article VI of the Convention in question, with reference to the frontier lines of Melilla.

Moorish Guards on Frontier Lines of Neutral Ground. Ceuta and Melilla. Moorish Guards at Penôn and Alhucemas.

Art. VI.—On the frontier lines of the neutral ground, ceded by His Majesty the King of Morocco to the Spanish garrisons of Ceuta and Melilla, a Kaid, or Governor, shall be placed by His Majesty the

* Page 1172.

King of Morocco, with regular troops, to prevent and repress assaults on the part of the tribes; the Moorish guards who are to serve at the garrison of Penôn and Alhucemas, shall be placed on the sea shore.

Territory ceded to Spain to be respected by Moorish Subjects.

Art. VII.—His Majesty the King of Morocco engages to cause the territory which, by virtue of the stipulations of this Treaty remains under the Sovereignty of Her Majesty the Queen of Spain, to be respected by his own subjects.

Right of Spain to erect Forts, &c., to defend ceded Territories.

Her Catholic Majesty shall, nevertheless, have the right to adopt all the measures she may deem necessary for the security of the same, erecting on any part of them the fortifications and defences which may be thought convenient, without any obstacle whatever being put by the Moorish authorities.

Cession to Spain of Ground near Santa Cruz la Pequeña for Fishing establishment.

Art. VIII.—His Maroquine Majesty engages to cede for ever to Her Catholic Majesty on the coast of the ocean close to Santa Cruz la Pequeña,* ground that shall be sufficient for the formation thereon of a fishery establishment, similar to that which Spain possessed there in ancient times.

Limits to be defined by Commissioners.

In order to carry into effect the stipulation contained in this Article, the Governments of Her Catholic Majesty and His Maroquine Majesty shall come to a distinct understanding with each other, and appoint Commissioners on either side to mark out the ground and limits which the establishment referred to should have.

Art. IX.—*War Indemnity.* 20,000,000 *dollars, to be paid by Instalments. Spanish Troops to remain in occupation of Tetuan, &c., until full payment be made.*

Art. X.—*Spanish Missionary Station at Fez. Protection of all Spanish Missionaries and their Property.*

Art. XI.—*Piece of Ground to be granted near Spanish Consulate at Tetuan for erection of a Spanish Church.*

Art. XII.—*Permission to Spanish Representative to reside at Fez or any other City in Moorish Dominions.*

* Called in the Arabic version of the Treaty "Agadir." As soon as this Treaty was signed, a question arose as to the exact locality where the cession was intended to be made.

No. 366.—*TREATY of Peace between Spain and Morocco. Signed at Madrid, 30th October,* 1861.*

DIFFERENCES having arisen respecting the fulfilment of the Melilla Boundary Convention of 24th August, 1859 (**No. 364**), and the Treaty of 26th April, 1860 (**No. 365**), another Treaty was concluded between Spain and Morocco on the 30th October, 1861, which contained the following stipulations :—

Spanish Evacuation of Tetuan.

Art. I.—The Spanish troops shall evacuate the city of Tetuan and its territory as soon as the delivery of 3,000,000 of dollars in cash to the persons commissioned by the Government of Her Majesty the Queen to receive them shall be effected.

Art. II.—*War Indemnity to be paid with Half the Produce of the Moorish Custom Houses.*

Art. III.—*Date of commencement of Payment of Customs Receipts.*

Limits of Fortress of Melilla.

Art. IV.—The demarcation of the limits of the fortress of Melilla shall be made in conformity with the Convention of 24th August, 1859 (**No. 364**), confirmed by the Treaty of Peace of 26th April, 1860 (**No. 365**).† The surrender of those limits to the Government of Her Majesty the Queen of Spain shall inevitably take place before the evacuation of the city of Tetuan.

* S.P., vol. liii, p. 1052. This Treaty was confirmed by Art. LXI of the Commercial Treaty of 20th November, 1861. S.P., vol. liii, p. 1089.

† An Act of Delimitation was signed by the Commissioners of Spain and Morocco at Tangier on the 26th June, 1862, in the following terms :—

The line of new Spanish territory bordering on Melilla, and the limit of Spanish jurisdiction starts : (I) from a point situated on the sea-shore to the south of the fortress and distant from it 2,900 metres measured from the Tower of Santa Barbara ; (II) from the said first point it runs in a direction north by 34° west for a distance of 1,040 metres ; (III) and the north by 86° west for 1,100 metres. The directions and distances then run as follows :—

IV.	North	990 metres.
V.	North, 55° east	645 ,,
VI.	North, 32° west	285 ,,
VII.	North, 26° west	480 ,,
VIII.	North, 67° east	155 ,,
IX.	North, 25° east	420 ,,
X.	North, 75° east	290 ,,
XI.	North, 1° east	140 ,,
XII.	North, 70° east	515 ,,
XIII.	North, 8° east	600 ,,
XIV.	North, 29° east	930 ,,
XV.	North, 60° east	1,050 ,,
XVI.	North, 35° east	515 ,,
XVII.	North, 63° east	600 ,,

The last terminating on the scarped coast to the north of the fortress. The extreme line of the neutral ground or limit of Moroccan territory forms a polygon, described on the other line, whose vertices shall be respectively 500 metres further from the fortress. This line shall be considered the limit of jurisdiction of the Sultan of Morocco, and on it shall be placed the guards referred to in Art. V of the Convention of 24th August, 1859 (No. 364). The space between the two lines is the neutral ground referred to in Art. IV of the Convention of 1859.

Art. V.*—*A Commercial Treaty to be signed before Evacuation of Tetuan.*

Art. VI.—*Establishment of House of Missionaries at Tetuan.*

Art. VII.—*Conditions of Stipulations of Treaty to be fulfilled within Five Months.*

Confirmation of Articles of Treaty of 26th April, 1860, *not Modified or Abrogated.*

Art. VIII.—The Articles of the Treaty of Peace of 26th April, 1860 (**No. 365**), which have not been modified or abrogated by the provisions of the present Treaty remain in full force and vigour.

This Treaty shall be ratified at the earliest date possible, and the exchange of the ratifications shall be effected at Tangier within a period of twenty days.

Treaty of 5th March, 1894.

In October—November, 1893, hostilities ensued between the authorities of the Spanish Fortress and Territory of Melilla and the Moors in the neighbourhood; but which was terminated by a Treaty signed in the City of Morocco, on the 5th March, 1894. The following is an abstract of its stipulations :—

Art. I.—Riffinian authors of occurrences of October—November, 1893, to be punished, in accordance with Treaty of 26th April, 1860 (p. 1173).

Art. II.—Demarcation of Boundaries of Fortress of Melilla and its neutral ground, in accordance with Convention of 24th August, 1859 (p. 1172), and Act of 26th June, 1862 (p. 1176). Commissioners to be appointed. Neutral zone to be evacuated by present inhabitants.

Art. III.—Cemetery and Mosque of Sidi Aguariach.

Art. IV.—A Moorish Caid, with a detachment of troops, to be maintained in the neighbourhood of Melilla, and of the Spanish Fortresses of Chafarinas, the Rock of Los Velez or La Gomera, and Alhucemas, in conformity with Treaties of 24th August, 1859 (p. 1172), and 26th April, 1860 (p. 1173).

Art. V.—Appointment of Moorish Pacha for district of Melilla; his powers.

Art. VI.—4,000,000 dollars to be paid by Morocco to Spain, by instalments, as indemnity for events of October—November, 1893. Right of Spain to " intervene " in Moorish Custom-houses, in event of indemnity not being punctually paid. No loan to be negotiated by Morocco until indemnity be paid.

Art. VII.—Convention to be ratified.

Note.—A supplementary Convention was signed at Madrid on the 24th February, 1895, the ratifications of which were exchanged at Tangier on the 4th April, 1895, (see p. 1178).]

* A Treaty for regulating the commercial relations between the two countries, the attributes and privileges which Spanish Consuls might enjoy in Morocco, Consular Jurisdiction, and other matters, was concluded at Madrid on the 20th November, 1861. S.P., vol. liii, p. 1089.

No. 367.—*CONVENTION between Spain and Morocco. Indemnity, Fortress and territory of Melilla, &c. Signed at Madrid, 24th February,* 1895.

[*Supplementary to the Treaty between Spain and Morocco of the 5th March,* 1894 (*see p.* 1177).]

(Translation.)

In the Name of Almighty God !

[Here follow the names of the Plenipotentiaries.]

Art. I.—*Chastisement of the Riffians guilty of Outrages in October—November,* 1893.

Art. II.—*Demarcation of Polygonal Line. Boundaries of Neutral Zones near Fortress of Melilla, postponed for another year.*

Art. III.—*Establishment and Maintenance of Moorish Troops in neighbourhood of Melilla.*

Art. IV.—*Balance of Indemnity of* 1,000,000 *dollars to be paid by Morocco to Spain within* 80 *days, or an Annual Interest at rate of* 6 *per cent. to be payable whilst Capital is in arrear.*

Art. V.—*Remaining* 14 *Instalments of Indemnity due to Spanish Government may be made in one payment in Gold during next six months.*

Art. VI.—*Interest at rate of* 6 *per cent. per Annum to be paid should any unavoidable delay occur. Right of Spain to "intervene" in Moorish Custom Houses, in event of Indemnity not being punctually paid.*

Confirmation of previous Treaties.

Art. VII.—In so far as they are not modified by the present Convention, all the stipulations specified in previous Treaties between Spain and Morocco, and principally that of the 5th March, 1894 page 1177), and those referring to the fortress and territory of Melilla, shall remain in force.

Art. VIII.—The present Convention shall be ratified, and the ratifications shall be exchanged in Tangier within the term of 40 days from the date of signing the same.

Wherefore the respective Plenipotentiaries sign it in duplicate, and seal it with their seals, in Madrid, on the 24th February, 1895, of the Christian Era, corresponding to the 29th Shabaan, 1312.

(L.S.) ALEJANDRO GROIZARD.
(L.S.) SIDI-HADJ-EL-KERIM BRISCHA.

The present Convention was duly ratified, and the ratifications exchanged at Tangier on the 4th April, 1895.

No. 368.—*ACT of Cession, on the part of Portugal, of the Island of Fernando Po, to Spain. 24th October*, 1778.*

(Translation.)

In the year, from the birth of our Lord Jesus Christ, 1778, on the 24th of October, in this Island of Fernando Po, there being present, commissioned by the Most Faithful Queen, our Lady, the Most Illustrious Dom Fro. Luis Caetano de Castro, Gentleman of the Household of the same Sovereign Lady, Knight of the Order of Malta, and Captain of Sea and War, Commander of the ship "Our Lady of Grace," and, on the part of the Catholic King, the Most Illustrious the Conde de Argelexos, likewise commissioned by his Sovereign, and besides these two, there being also present those who accompanied them; it was declared before me, the Clerk of the above ship, that he, Dom Fro. Luis Caetano de Castro, in virtue of the orders of, and of the Commission which he had received from, the Most Faithful Queen, our Lady, and by the best form and mode of right, did cede and resign all the jurisdiction, royalties, dominion, demand, and right, which his Sovereign Lady had in this Island of Fernando Po, to the person of the Catholic King, for that Sovereign and his successors, to enjoy and possess it as their own, and as an appurtenance annexed to the Kingdom of Spain, to which end, by virtue of the powers he possessed, he declared the island to be dismembered from the Kingdom of Portugal; and, pursuant to the above Commission, the Most Illustrious the Conde de Argelexos declared that he accepted, on the part of his Sovereign, the cession just mentioned, and, in virtue of the same, and of the power conferred upon him, he scattered some earth in the air, plucked some branches from the trees, and performed all the other acts of occupation; proclaiming in a loud voice, which all distinctly heard, that, in fulfilment of the Commission which he held from the Catholic King, his Sovereign, he took possession of this Island of Fernando Po, as appertaining to the Kingdom of Spain; to the end that, from this day forward, the inhabitants of it should acknowledge the said Sovereign for their Sovereign King, with full and supreme power; and I, João Ramos de Silva Mallos, Clerk to the ship "Our Lady of Grace," took the same down in writing, by order of the Most Illustrious Dom Fro. Luis Caetano de Castro; the whole being witnessed by all the Undersigned, who subscribed it, together with myself and the two Commissioners, in this Bay of Fernando Po, on the 24th of October, 1778.

FR. LUIS CAETANO DE CASTRO.
CONDE DE ARGELEXOS.

The Clerk of the Ship "Our Lady of Grace,"
JOAO RAMOS DE SA MALLOS.
(and 8 more signatures)

* S.P., vol. xvi, p. 268.

Islands of Fernando Po and Annabon.

NOTE.—By Art. XIII of the Treaty of Pardo, concluded between Spain and Portugal on the 1st of March, 1778,* Portugal engaged to cede to Spain the Island of Fernando Po and the small Island of Annabon, to the South of Fernando Po, in compensation for cessions made by Spain to Portugal by the Preliminary Boundary Treaty of 1st October, 1777, in order that the subjects of the Crown of Spain might establish themselves there, and from thence pursue their commerce and the trade in slaves.

Temporary Occupation of Fernando Po by British Slave Trade Commissioners.

In 1829 the British Slave Trade Commissioners were removed from Sierra Leone to Fernando Po, and a British establishment formed on that island for the sole object of executing the then existing Treaties for the suppression of the Slave Trade; but an assurance was given to the Spanish Government (28th October, 1830) that the British Government fully recognized the right of Spain to the sovereignty, property, and possession over that island, and in 1833 the British establishment was withdrawn.

* Martens', Recueil. Tome 1, pp. 634—709.

TUNIS.

TUNIS.

LIST OF TREATIES, &c.

No.			Page
369	1863—1897.	Notes on Tunis	1184
—	8 Aug., 1830.	Treaty. Tunis and France. Coral Fishery. Island of Tabarque	1184
—	24 Oct., 1832.	Treaty. Ditto. Ditto. Ditto	1184
—	10 Oct., 1863.	Convention. Tunis and Great Britain. Real Property	1184
—	23 Oct., 1871.	Firman. Boundaries	1184
—	19 July, 1875.	Convention. Tunis and Great Britain. Consular Jurisdiction	1184
—	12 May, 1881.	Treaty. Tunis and France. Peace. Temporary French Occupation, &c. See also Great Britain and France.	1185
—	16 May, 1881.	Protest. Turkey against Treaty between France and Tunis, of 12th May, 1881	1187
—	18 May, 1881.	Order in Council. British jurisdiction	1190
—	27 Mar., 1883.	Law (France). Organization of French Tribunals	1190
—	31 Dec., 1883.	Order in Council. Abolition of British Consular jurisdiction	1190
—	1 Feb., 1897.	Decree. Treaty Relations between Tunis and Foreign States	1190

No. 369.—*Notes on TUNIS.* 1863—1897.

Coral Fishery. Island of Tabarque.

On the 8th August, 1830, a Commercial Treaty was concluded between France and Tunis, by Article V of which the Bey of Tunis restored to France the exclusive right to the coral fishery, from the limits of the French Possessions as far as Cape Negro, such as they were possessed by her before the war of 1792. It was further agreed that the ancient properties, buildings, ships, and various erections on the Island of Tabarque should also be restored.

A further Convention respecting the coral fishery and the grant of a residence to the French Agent on the Island of Tabarque was signed between France and Tunis on the 24th October, 1832.*

Holding of Real Property by British Subjects.

On the 10th October, 1863,† a Convention was concluded between Great Britain and Tunis, which admitted the right of British subjects to hold real property in Tunis, subject to local laws and regulations.

Boundaries.

On the 23rd October, 1871,‡ a Firman was addressed by the Sultan to the Pasha or Bey of Tunis, which contained the following passage with regard to the boundaries of that province:—"In accordance with the request contained in the Report which you have recently submitted to us, we confirm you in the government-general of the said 'Eyalet' or province of Tunis, which will retain its boundaries, such as they exist *ab antiquo*, while granting you, in addition, the privilege of hereditary succession"; on certain conditions which were specified.

By a Circular dated 9th May, 1881, directed by the French Government to its Diplomatic Agents abroad respecting the relations between France and Tunis, it was stated "Comme il n'y a pas de frontières naturelles entre la Tunisie et l'Algérie, la délimitation est restée indécise et elle n'a jamais été faite régulièrement."§

As regards the boundary between Tunis and Tripoli reference has been made to a Convention made in 1815 between the Bey of Tunis and the Pasha of Tripoli, but the authentic text of this document has never been discovered.

British Consular Jurisdiction. Real Property, &c.

On the 19th July, 1875,‖ a General Convention was concluded between Great Britain and Tunis, for revising and improving the Treaties previously concluded between the two countries. By this Convention, the Convention of 10th October, 1863, was expressly confirmed (see

* S.P., vol. xix, 1052; vol. xxii, p. 1352.
† H.T., vol. xi, p. 1118.
‡ S.P., vol. lxi, p. 104.
§ De Clercq, Recueil des Traités de France, vol. xiii, p. 19.
‖ H.T., vol. xiv, p. 541.

Articles V, XVII, and XLII). By Article V it was also declared that British subjects, vessels, commerce, and navigation, should enjoy, without any restriction or diminution, all the privileges, favours, and immunities which were then, or which might thereafter be granted to the subjects, vessels, commerce, and navigation of any other nation whatever. This Convention also contained stipulations, among others, with regard to the exercise of jurisdiction in criminal and civil cases by Her Majesty's Agent and Consular Officer in the Regency.

In the spring of the year 1881 disputes arose between the French Government and the Bey of Tunis, which led to hostilities; they were, however, terminated by the following Treaty which was signed at Casr-Said, on the 12th May, 1881 :—*

Treaty of Peace between France and Tunis.

(Translation.)

" The Government of the French Republic and that of His Highness the Bey of Tunis, wishing to prevent for ever the renewal of the disturbances which have recently occurred on the frontiers of the two States and on the Tunisian coast, and being desirous of drawing closer their ancient relations of friendship and good neighbourhood, have determined to conclude a Convention to this effect, in the interest of the two High Contracting Parties.

" In consequence, the President of the French Republic has named as his Plenipotentiary M. le General Bréard, who has agreed with His Highness the Bey upon the following stipulations :—

Confirmation of existing Treaties between France and Tunis.

" **Art. I.**—The Treaties of Peace, Friendship, and Commerce, and all other Conventions actually existing between the French Republic and His Highness the Bey of Tunis, are expressly confirmed and renewed.†

Temporary Occupation by French Troops of certain points in Tunis.

" **Art. II.**—With a view of facilitating the accomplishment by the French Republic of the measures which it will have to take in order to attain the end proposed by the High Contracting Parties, His Highness the Bey of Tunis consents that the French military authorities should occupy the points which they may deem necessary to ensure the re-establishment of order and the security of the frontiers and of the coast.

French Occupation to cease on re-establishment of Order.

" This occupation shall cease when the French and Tunisian military authorities shall have recognized by common consent that the Local Administration is capable of guaranteeing the maintenance of order.

* S.P., vol. lxxii, p. 247.

† See Conventions, France and Tunis, 21st May, 1824, S.P., vol. xiv, p. 712, and 8th August, 1830, S.P., vol. xix, p. 1050.

French assistance to be afforded to the Bey

" **Art. III.**—The Government of the French Republic undertakes to give constant support to His Highness the Bey of Tunis against any danger which may menace the person or dynasty of His Highness, or which may compromise the tranquillity of his States.

Guarantee of existing Treaties between Tunis and Foreign Powers.

" **Art. IV.**—The Government of the French Republic guarantees the execution of the Treaties at present existing between the Government of the Regency and the different European Powers.*

Appointment of a French Minister-Resident in Tunis.

" **Art. V.**—The Government of the French Republic shall be represented near His Highness the Bey of Tunis by a Minister-Resident who will watch over the execution of the present instrument, and who will be the medium of communication between the French Government and the Tunisian authorities for all affairs common to the two countries.

French Diplomatic and Consular Agents to protect Tunisian Interests abroad.

" **Art. VI.**—The Diplomatic and Consular Agents of France in foreign countries will be charged with the protection of Tunisian interests and of the nationals of the Regency.

No International Act to be conducted by the Bey without French authority.

" In return, His Highness the Bey undertakes to conclude no act having an international character without having communicated it to the Government of the French Republic, and without having previously come to an understanding with them.

Tunisian Finances and Creditors of Tunis.

" **Art. VII.**—The Government of the French Republic and the Government of His Highness the Bey of Tunis reserve to themselves the right to fix, by a common agreement, the bases of a financial organization of the Regency, which shall be of a nature to assure the service of the Public Debt, and to guarantee the rights of the creditors of Tunis.

War Contributions to be imposed on unsubdued Tribes

" **Art. VIII.**—A war contribution will be imposed on the unsubdued tribes on the frontier and on the coast. A further Convention will settle the amount of it and the method of collecting it, for which the Government of His Highness the Bey hold themselves responsible.

* See Convention, Italy and Tunis, 8th September, 1868, vol. lix, p. 1281; and List, in S.P., vol. lxiv, p. 1466.

Prevention of introduction of Arms, &c., into Algeria through Tunisian Territory.

"Art. IX.—In order to protect the Algerian possessions of the French Republic against the smuggling of arms and munitions of war the Government of His Highness the Bey of Tunis undertakes to prohibit any introduction of arms or of munitions of war by the Island of Djerba, the Port of Gabes, or the other ports of the south of Tunis.

Ratification.

"Art. X.—The present Treaty will be submitted for the ratification of the Government of the French Republic, and the instrument of ratification will be returned to His Highness the Bey with as little delay as possible."*

Treaty rights of Foreign Powers to be maintained.

After the conclusion of this Treaty, an exchange of notes took place between the British and French Governments (16th and 20th May, 1881), by which it was agreed that the Conventions then existing between Tunis and Foreign Powers should be maintained and respected. (See GREAT BRITAIN AND FRANCE, p. 719.)

PROTEST OF THE PORTE AGAINST THE FRENCH TREATY.

The Porte protested against the conclusion of this Treaty in the following terms :—

(1.) *Assim Pasha to Musurus Pasha.*

(Translation.)

(Telegraphic.) *Constantinople, May* 16, 1881.

"WE did not fail, when the events which have just taken place at Tunis occurred, repeatedly to bring to the notice of the Signatories of the Berlin Treaty the full and entire sovereign rights of the Sublime Porte over that province, an integral portion of the Ottoman Empire. Those rights, established *ab antiquo*, have been exercised by the Turkish Government without interruption up to the present day, and have obtained recognition from the Powers in general.‡

"Nor did we fail, both before and after the entry of French troops into Tunis, to propose that a friendly understanding should be come to between the Sublime Porte and the Government of the French Republic with the view of reconciling our rights with the interests of

* A Law was passed on the 27th May, 1881, authorizing the President of the French Republic to ratify this Treaty.

† Communicated by Musurus Pasha to Earl Granville, 18th May, 1881.

‡ On the 23rd October, 1871, a Firman was addressed by the Sultan to the Pasha of Tunis, relative to the remission of the customary presents, the right to civil and financial administration, restrictions in foreign relations, the right of hereditary succession, coinage, the Imperial flag, and the obligation of sending a contingent of troops in case of war. (See S.P., vol. lxi, p. 104.)

France, and of thus removing all grounds for the complaints made by the latter country of the raids of certain Berber tribes, which raids the authorities of Tunis had declared themselves ready to repress without delay from the first commencement of the quarrel.

"The Pasha of Tunis and the people entrusted to his government by Imperial Firman, on their side, appealed, as was their duty, to the Suzerain Court for the purpose of laying before it the critical situation in which they found themselves placed by the advance of French troops into their country, and of urgently requesting us, as their legitimate rulers, to come to their assistance.

"No attention was paid to our markedly conciliatory proposals, nor to the irrefutable proofs which we adduced in support of our rights; nay, more, the Government of the French Republic thought fit to deny the existence of the immemorial ties of vassalage which bind Tunis to the Ottoman Empire, by asserting the alleged independence of that country, and thus to run counter to all our remonstrances, and in spite of the protests of the Governor-General and people, by gradually occupying the greater part of the territory of Tunis, and, finally, by forbidding us, in a peremptory and threatening manner, to send a single ship to the spot.

"By way of supplementing a line of action which, we regret to say, we cannot refrain from regarding as utterly contrary to all international obligations, the Government of the Republic has just presented to the French Chambers the Treaty concluded by it on the 12th instant with His Highness the Pasha of Tunis. This Treaty the Pasha was forcibly compelled to submit to in the face of the pressure which was being brought to bear upon the country and the imminent danger which threatened it.

"It is a duty which we owe to ourselves and to the country to repudiate this document, all the clauses of which overthrow the legitimate order of things established in Tunis, and deal the most serious blow to the sovereign authority and integrity of the Empire, both of which are guaranteed by Treaties.

"The Sublime Porte therefore regards it as a duty to protest in the most emphatic terms and in the most solemn manner against the validity of this Treaty, which it declares to have been concluded under circumstances abnormal in their character and in contravention of the rights of the Sultan, and to possess, in consequence, in his eyes, as well as in those of His Highness the Pasha, and of the people of Tunis, the subjects of His Imperial Majesty, no value or legal force, either in its whole, or in any of its parts.

"I request you to communicate this protest, officially and without the slightest delay, to His Excellency Her Britannic Majesty's Minister for Foreign Affairs."

[Protest of the Porte against French Treaty of 1881.]

Inclosure.

(Translation.)

(Telegraphic.) *Constantinople, May* 15, 1881.

"I HASTEN to transmit herewith to your Excellency the telegram which His Highness the Pasha of Tunis addressed to us under date of yesterday:—

"I informed your Highness that the General in command of the French column which was, as I announced to your Highness, at Gedeida, approached my residence on Thursday evening. He then came to my Palace accompanied by a force of cavalry, and submitted for my signature a Protectorate Treaty, while declaring that he would not leave the Palace without my answer, for which he only gave me four hours.

"Seeing myself under the pressure of force, owing to the presence of an army near my residence, I was bound, by my honour, and in order to avoid bloodshed, to sign this Treaty, without examining or in any way discussing it, while I declared to him that I signed it under the pressure of force.

"As you will observe, the Pasha declares categorically that he signed the document in question in spite of himself, and under the influence of the pressure which was being exercised upon his Highness.

"Conformably to the tenour of your various telegrams, the Sublime Porte had warned Méhemmed Sadik Pasha not to accept or sign any Treaty without having previously referred it to the Sovereign Court, and had ordered him at the same time to acquaint the English Consul-General at Tunis with this fact, and, in case of need, to consult him.

"To-day the Governor-General is forced by violent proceedings to append his signature to a Treaty which entirely reverses the order of things established in Tunis, thereby completely violating the *status quo* to a modification of which the English Cabinet declared its inability to consent.

"In any case so grave and unexpected an occurrence could hardly, we should think, be passed over by Her Britannic Majesty.

"Please, therefore, to call Lord Granville's most serious attention thereto, and tell him that we are convinced that his Lordship could not view with indifference a mode of procedure so contrary to the rights of nations, as well as to general interests, and that he will be so good as to intervene with a view to bring about the understanding which we have so often proposed. We are awaiting with the keenest impatience the measures which the British Government intend taking to bring about the modification of a Treaty which, as I have just said, not only ignores the principles of international law, but is further of a nature to create an unfortunate precedent."

Views of the British Government on the Turkish Protest.

(2.) *Earl Granville to Musurus Pasha.*

M. l'Ambassadeur, *Foreign Office, June 16, 1881.*

"WHEN your Excellency did me the honour of calling at the Foreign Office on the 14th instant you expressed a wish to be furnished with a written answer to the communications respecting Tunis which you were good enough to leave with me on the 18th ultimo.

"The first of those communications seems to have been intended to be received in the nature of a protest, and has, I presume, been addressed to all the other Powers as well as Her Majesty's Government. It does not call for any expression of opinion on the part of Her Majesty's Government, and under the actual circumstances I abstain from offering any.

"With regard to the second despatch, in which Assim Pasha states that Her Majesty's Government had declared that they would not consent to a modification of the *status quo* in Tunis, I have the honour to point out to your Excellency that Her Majesty's Government have only said that they were favourable to its maintenance, but they have never stated that they would not consent to any change in it.

"I have to add that Her Majesty's Government would have been quite ready to offer their mediation, in common with the other Powers who signed the Treaty of Berlin,* had they had any reason to believe that those Powers would have agreed to join in such an offer, or that France would have accepted it had such an agreement been arrived at.

"I have, &c.,

"GRANVILLE."

On the 18th May, 1881, the Order in Council, which was passed on the 12th December, 1873, for regulating the exercise by Her Majesty of power and jurisdiction over British subjects in the Ottoman Dominions (Secs. 95 and 270 of which related to Tunis), was amended by another Order, with special reference to the exercise of British Consular Jurisdiction in the regency of Tunis.†

On the 27th March, 1883, a French Law was passed for the organization of French tribunals in Tunis,‡ and on the 5th May following, a Decree relating to the same subject was issued by the Bey of Tunis §; in consequence of which another Order in Council was issued, on the 31st December, 1883, declaring British Consular Jurisdiction in Tunis to be abolished.§

Other Foreign Nations have also passed Laws abolishing, or suspending, Consular Jurisdiction in Tunis.‖

On the 1st February, 1897, a Decree relative to Treaty Relations

* 13th July, 1878, S.P., vol. lxix, p. 749.
† H.T., vol. xv, p. 414.
‡ H.T., vol. xv, p. 1059.
§ H.T., vol. xv, p. 1062.
‖ S.P., vol. lxxv, pp. 1007, 1008, 1166, 1271.

between Tunis and certain foreign States was promulgated in the following terms :—

Nous, Ali Pacha Bey, Possesseur du Royaume de Tunis ;

Vu les Conventions, Arrangements, et Déclarations intervenus entre le Gouvernement Français, d'une part ;

Et les Gouvernements Allemand, le 18 Novembre, 1896 ; Austro-Hongrois, le 20 Juillet, 1896 ; Danois, le 21 Janvier, 1897 ; Espagnol, le 12 Janvier, 1897 ; Italien, le 28 Septembre, 1896 ; Russe, le 14 Octobre, 1896 ; Suisse, les 12 Avril, 1893, et 14 Octobre, 1896, d'autre part ;

Avons pris le Décret suivant :

Art. 1er.—Sont et demeurent définitivement abrogés les Traités et Conventions de toute nature relatifs à la Tunisie conclus antérieurement aux Conventions, Arrangements, et Déclarations précités avec l'Allemagne, l'Autriche-Hongrie, le Danemark, l'Espagne, l'Italie, la Russie, et la Suisse.

2. Sont étendus à la Tunisie, et y seront appliqués sans autre promulgation que celle du présent Décret, les Traités et Conventions de toute nature en vigueur entre la France, d'une part ;

Et l'Allemagne, l'Autriche-Hongrie, le Danemark, l'Espagne, la Russie, et la Suisse, d'autre part.

Le délai de quinze jours stipulé à l'Article IV de la Convention Franco-Suisse d'Extradition du 9 Juillet, 1869, est porté à deux mois en Tunisie.

Tunis, le 1er Février, 1897.

Vu pour promulgation, et mise à exécution .

RENÉ MILLET, *Ministre Plénipotentiaire, Résident-Général de la République Française.*

TURKEY.

TURKEY.

LIST OF DOCUMENTS.

No.			Page
370	.....	Notes on the Ottoman Dominions	1196
—	24 Feb., 1873.	Protocol. Great Britain, France, Italy, Turkey. Consular Jurisdiction in Tripoli	1196
—	16 May, 1881.	Protest against Treaty between France and Tunis, of 12th May, 1881. (See Tunis, p. 1187.)	
371	16 Dec., 1889.	Ottoman Law, for the Prohibition of the Traffic in Black Slaves	1197
—	30 Oct., 1890.	Turkish Note reserving rights over Tripoli hinterland	1199
372	$\frac{14}{15}$ May, 1906.	Notes. Turkey and Great Britain. Line of boundary. Sinai Peninsula	1199
373	1 Oct , 1906.	Agreement. Turkey and Egypt. Boundary. Sinai Peninsula	1201

(See also Egypt.)

No. 370.—*Notes on the OTTOMAN DOMINIONS.*

THE claims of the Sultans of Turkey to sovereignty over the northern and eastern parts of Africa were formerly very extensive, but during the last century, and especially during the last few years, these territories have gradually, one by one, been slipping away from their grasp.

Algiers, for instance, up to the beginning of the 19th century was governed by a Dey, nominally subject to the Sultan of Turkey, but it is now a French possession. (See p. 625.)

Tunis was, by an Ottoman Decree dated 25th October, 1871, declared to be still an integral part of the Ottoman dominions; but by a Treaty between France and the Bey of Tunis dated the 12th May, 1881, it was placed under French protection, and it still remains so, notwithstanding the Protest made by the Sultan against the interference with H.I.M.'s sovereign rights. (See pp. 1185–1190.)

Egypt is still under the sovereignty of the Sultan of Turkey, but in February, 1841, the Government of the province was placed in the hands of Mehemet Ali and his descendants for ever. The Egyptian Administration pays an annual tribute to Turkey of £T.750,000. The frontiers of the Egyptian territory on the west coast of the Red Sea are limited to the Bay of Ras Roway in 21° 5′ north latitude. (See p. 613.)

The delimitation of the Administrative dividing line between Turkey and Egypt in the *Sinai Peninsula* (see Notes, p. 619) was fixed by Agreement of 1st October, 1906 (**No. 373**).

The *Coast of the Red Sea*, from Amfila to Ras Dumeira, is now under the protection of Italy (see ABYSSINIA, &c., AND ITALY, p. 420), and the Danakil and Somali Coast from Ras Dumeira to Ras Jibuti, outside the Straits of Babelmandeb, is now under the protection of France. (See FRANCE (EAST AFRICA), p. 625.)

The *Somali Coast*, from Ras Jibuti to Bunder Ziadeh, is now under British protection. (See SOMALILAND PROTECTORATE, p. 408.)

Tripoli is still a tributary province of the Ottoman Empire, administered by a Pasha. Consular jurisdiction is exercised in Tripoli by the Powers in conformity with the dispositions of the Capitulations in force, in the same manner as those Capitulations are applied in the European and Asiatic Provinces of the Ottoman Empire. Protocol signed at Constantinople on the 24th February, 1873.*

Tripoli hinterland.—Notes were exchanged between Great Britain and France on the 5th and 6th August, 1890, respecting the Sultan's rights in the regions on the southern frontier of his Tripolitan Dominions (**No. 230**), and a Note was addressed by the Turkish Government to its Representatives in London and Paris on the 30th October, 1890, reserving the Sultan's rights over the Tripoli hinterland. See p. 740.

* S.P., vol. lxv, p. 732.

No. 371.—*LAW sanctioned by Imperial Iradé for the Prohibition of the Traffic in Black Slaves. 16th December*, 1889.

[Referred to in "Brussels Act" of 2nd July, 1890 (**No. 130**), Article LXVIII, p. 509.]

(Translation.)

1. THE traffic in black slaves in the Ottoman dominions, their import into any part of the Ottoman Empire or its dependencies, and their transit by sea or land through the Ottoman dominions and export to foreign countries is forbidden.

2. Black slaves accompanying their masters or mistresses abroad as domestic servants, or found on board merchant-vessels as part of the crew, are excepted from this prohibition. But the owners of black domestic servants must have in their possession a certificate showing in what capacity their servants accompany them, and giving their ages and descriptions; and the number and descriptions of black slaves serving on board ship as part of the crew, as well as the nature of their employment, must be entered on the ship's articles.

3. Black slaves whose owners have no such certificates, or who are not registered in the ship's articles, as required in Article 2, shall be considered free, and shall be furnished with certificates of manumission by the Court, or, if there is no Court, by the local authorities, and their owners looked upon as slave-dealers. But if these latter prove that they are not slave-dealers they shall be exempt from the penalty provided by law.

4. Passports shall be given to free blacks about to travel abroad from the Ottoman dominions showing that they are free men and at liberty to dispose of themselves without restriction or reserve. But in the official papers which, according to Article 2, are required for blacks accompanying their owners as domestic servants, their age, descriptions, and the capacity in which they accompany their masters must be set forth.

5. Persons proved to be directly or indirectly concerned in the black slave trade, contrary to the prohibition contained in Article 1, as well as their assistants and the captains of ships which carry slaves, shall, for the first offence, be condemned to one year's imprisonment, and in case of repeated convictions the sentence shall be increased each time by one year. And in any case the slaves found in their possession shall be seized without compensation, and furnished with certificates of manumission according to Article 3.

6. If among the slaves seized in virtue of the prohibition there are any infants or minors, the persons dealing in them, and if any mutilation or other operation forbidden by law be found to have taken place, the authors of such crime shall, in addition to the punishment provided in Article 5, be condemned to the penalties provided in the special Articles of the Penal Code.

7. On any crime, such as the mutilation mentioned in Article 6, or slave traffic in infants and minors, being reported or witnessed in

any part of the Ottoman Empire, the officers of the Civil Government shall, within the limits of their competence according to law, arrest and imprison the accused persons and hand them over to the competent Court, together with the *procès-verbal* embodying the preliminary investigations and any other documentary evidence which may lead to their conviction.

8. According to the Convention concluded between Turkey and England on the 11th Rebi-ul-Akhar, 1297,* the ships of war of the two countries, upon falling in with any slavers, shall seize them, with all materials and property on board, whether they fly the Turkish or English flag. And of these vessels, those flying the English flag shall, when captured by Turkish ships, be handed over to the English Government in order that the provisions of the law may be applied to them, and the promised bounties obtained from them; and likewise ships engaged in the black slave trade flying the Turkish colours, which shall be captured by the cruisers of the two countries, shall be handed over to the Ottoman Government and the formalities connected with the bounties shall be fulfilled.

9. On a vessel in which negro slaves are found being captured and handed over to the Turkish authorities, a fine of 5 Turkish liras for each slave shall be inflicted by the Court on the owner, or, if he be elsewhere, on the captain of the ship, and given as bounty to the officers and crew of the capturing cruiser, and the costs of the trial shall be separately levied on behalf of the Court. If the owner or the captain of the captured vessel refuse to pay the said fine and the expenses of the Court, a portion of the property belonging to the vessel, not being the cargo, sufficient to cover the above-mentioned fine and expenses—and if a portion does not suffice, the whole of it—shall be sold by auction by the Court, and if this does not meet the case, the vessel shall be sold by the Court; and in this case, after subtracting from the price of the vessel the expenses of the trial and the bounty money, the surplus, it there be any, shall be handed over to the owner of the vessel. The judgments issued by the competent Courts for the sale of the vessel, materials, and property shall be absolute.

10. In the trials which take place in connection with the black slave traffic the Public Prosecutors shall carry out the duties which belong to them by law, and the commander of the war vessel which captured the slaver may also be present at such trials as private prosecutor.

22 *Rebi-ul-Akhar*, 1307 (*December* 4 (16), 1889).

Claims of Turkey and Egypt in Basin of the Upper Nile.

On the 12th May, 1884, an Agreement was entered into between Great Britain and the King of the Belgians, Sovereign of the Congo State, respecting the spheres of influence of Great Britain and the

* 25th January, 1880. H.T., vol. xv, p. 417.

Congo State in East and Central Africa, to which notes were added giving assurances that the parties to the Agreement did not ignore the claims of Turkey and Egypt in the Basin of the Upper Nile. (See p. 580.)

Claims of Turkey in Gulf of Tajourra and on the Somali Coast.

On the 2nd—9th February, 1888, an Agreement was entered into between the British and French Governments with regard to their respective rights in the Gulf of Tajourra and on the Somali Coast; but, before its conclusion, the Turkish Ambassador requested that, in any understanding which might be arrived at on the subject, the rights of the Sultan might be respected; an assurance to that effect was accordingly given by the Marquis of Salisbury to the Turkish Ambassador, and M. Waddington, the French Ambassador, was so informed (9th February, 1888). (See p. 728.)

Sultan's Rights in Tripoli hinterland.

For Turkish Note of the 30th October, 1890, reserving the Sultan's rights over the Tripoli hinterland, see p. 749.

No. 372.—*EXCHANGE OF NOTES between the British and Turkish Governments relative to the maintenance of the* Status Quo *in the Sinai Peninsula and the tracing of a line of demarcation between Turkey and Egypt. Constantinople, 14th and 15th May,* 1906.*

(1) *The Ottoman Minister for Foreign Affairs to the British Ambassador at Constantinople.*

M. l'Ambassadeur, *Le* 14 *Mai,* 1906.

J'ai eu l'honneur de recevoir la note que votre Excellence a bien voulu m'écrire le 12 de ce mois concernant l'occupation de Taba.

Permettez-moi de vous faire observer qu'il n'est jamais entré dans la pensée du Gouvernement Impérial de méconnaître le contenu du télégramme du 8 Avril de feu Djevad Pasha à Son Altesse le Khédive. Du reste, la communication que j'ai eu l'honneur d'adresser à votre Excellence le 11 de ce mois était tout à fait explicite. L'évacuation de Taba a été décidée et les ordres ont été déjà donnés en conséquence.

Il est entendu que les officiers d'État-Major se trouvant à Akaba et les fonctionnaires qui seront envoyés par Son Altesse le Khédive se réuniront pour effectuer sur les lieux et d'après les données topographiques, une enquête technique pour la désignation sur une carte des points de nature à assurer le maintien sur la base du télégramme précité de Djevad Pasha du *statu quo* dans la Presqu'île de Sinaï et pour tracer la ligne de démarcation à partir de Rafeh, près d'El Arich, et allant vers le sud-est en une ligne approximativement directe jusqu'à un point sur le Golfe d'Akaba à une distance d'au moins 3 milles d'Akaba.

* See also notes under Egypt, p. 619.

Les vues exprimées dans la communication précitée de votre Excellence se trouvent ainsi pleinement réalisées.

En priant votre Excellence de vouloir bien communiquer ce qui précède à Londres, nous espérons que le Gouvernement de Sa Majesté le Roi y verra une nouvelle preuve de notre vif désir de maintenir toujours nos relations sur le pied de la plus parfaite cordialité. En nous exprimant, de son côté, sa pleine satisfaction, il nous aura témoigné lui-même du prix qu'il attache à la conservation et au raffermissement des bons rapports qui existent si heureusement entre les deux États.

Veuillez, &c.,

TEWFIK.

(Translation.)

M. l'Ambassadeur, 14*th May*, 1906.

I HAVE had the honour to receive the note which your Excellency was good enough to write to me on the 12th instant respecting the occupation of Taba.

Allow me to observe to you that it never entered the thought of the Imperial Government to ignore the contents of the telegram of the 8th April of the late Djevad Pasha to His Highness the Khedive. Besides, the communication which I had the honour to address to your Excellency on the 11th instant was quite explicit. The evacuation of Taba has been decided upon, and the orders have already been given in consequence.

It is agreed that the Staff officers at Akaba and the officials who shall be sent by His Highness the Khedive shall meet in order to effect on the spot, and in accordance with topographical data, a technical inquiry for marking on a map the points calculated to insure the maintenance, on the basis of the above-mentioned telegram of Djevad Pasha, of the *status quo* in the Sinaitic Peninsula, and in order to draw the line of demarcation starting at Rafeh, near El-Arish, and running towards the south-east in an approximately straight line as far as a point on the Gulf of Akaba, at least 3 miles distant from Akaba.

The views expressed in the above-mentioned communication of your Excellency are thus fully realized.

In begging your Excellency to be so good as to communicate the above to London, we trust that the Government of His Majesty the King will see in it a fresh proof of our keen desire to maintain at all times our relations on a footing of the most complete cordiality. In conveying to us, on its side, an expression of its full satisfaction, it will itself have given proof of the value which it attaches to the preservation and to the strengthening of the good relations which so happily exist between the two States.

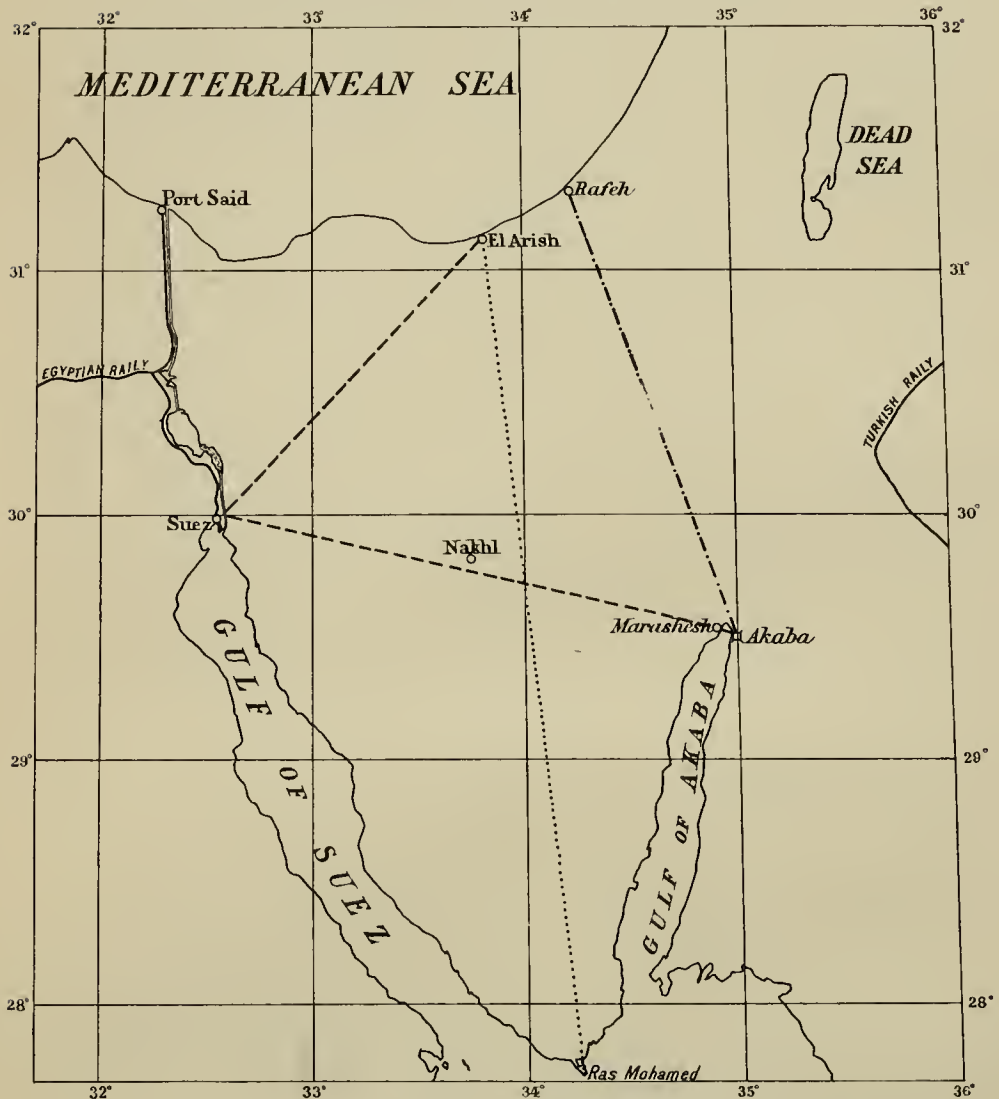
I have, &c.,

TEWFIK.

To face page 1200.

MAP OF THE SINAI PENINSULA

TO ILLUSTRATE THE TURCO-EGYPTIAN FRONTIER DISPUTE.



Scale of Map (No. 43) in Atlas or Pouch, 32 miles to 1·014 inches

Ordnance Survey, Southampton

Line claimed by Ottoman Government _ _ _ _ _ _

Proposed compromise _ _ _ _ _ .....

General Line settled by Agreement of October 1, 1906 (No. 373, page 1201) _ . _ . _ . _ .

(2) *The British Ambassador at Constantinople to the Ottoman Minister for Foreign Affairs.*

M. le Ministre, *Constantinople, 15th May,* 1906.

I LOST no time in referring to my Government the note which your Excellency was so good as to address to me on the 14th instant in reply to my note of the 12th on the subject of the occupation of Taba and delimitation of the Peninsula of Sinai.

His Majesty's Government have received with pleasure your Excellency's declaration that the Sublime Porte does not question the contents of the telegram addressed by the deceased Grand Vizier, Djevad Pasha, to His Highness the Khedive on the 8th April, 1892; that the withdrawal of the Imperial troops from Taba has been decided upon; and that instructions have been sent to the Ottoman Staff Officers now at Akaba to delimit and record on a map, jointly with the officials to be appointed by His Highness the Khedive, the line of demarcation running approximately straight from Rafeh in a south-easterly direction to a point on the Gulf of Akaba not less than 3 miles from Akaba so as to insure the maintenance of the *status quo* in the Sinai Peninsula on the bases of the telegram above-mentioned of the 8th April, 1892.

On behalf of His Majesty's Government I have the honour to take act of the foregoing declarations, also of the declaration of his Highness the Grand Vizier that orders have been sent for the withdrawal of the Ottoman troops into Turkish territory to the east of Rafeh should any have crossed to the Egyptian side, and the restoration of the pillars said to have been lately destroyed there, and to express their satisfaction at the settlement of this question, which cannot fail to contribute to the maintenance and consolidation of those friendly relations which are so desirable in the interests of both countries, and which are no less appreciated by the Government of my august Sovereign than by that of His Imperial Majesty the Sultan.

I avail, &c.,

N. R. O'CONOR.

[For Map illustrating the Dispute, see Diagram Map facing p. 1200, and Map No. 43 in Atlas, or Pouch.

No. 373.—*AGREEMENT signed and exchanged at Rafah on* (13 *Shaban,* 1324, 18 *Ailul,* 1322) *October 1st,* 1906, *between the Commissioners of the Turkish Sultanate and the Commissioners of the Egyptian Khediviate, concerning the fixing of a Separating Administrative Line between the Vilayet of Hejaz and Governorate of Jerusalem and the Sinai Peninsula.*

EL MIRALAI Staff Officer Ahmed Muzaffer Bey and El Bimbashi Staff Officer Mohamed Fahmi Bey, as Commissioners of the Turkish Sultanate, and Emir-el-Lewa Ibrahim Fathi Pasha and El Miralai R. C. R. Owen Bey, as Commissioners of the Egyptian Khediviate, having been intrusted with the delimitation of the Administrative Separating Line between the Vilayet of Hejaz, and Governorate of

Jerusalem, and the Sinai Peninsula,* have, in the name of the Turkish Sultanate and the Egyptian Khediviate, agreed as follows :—

Art. I.—The Administrative Separating Line, as shown on map attached to this Agreement, begins at the point of Ras Taba, on the western shore of the Gulf of Akaba, and follows along the eastern ridge overlooking Wadi Taba to the top of Jebel Fort; from thence the Separating Line extends by straight lines as follows :

From Jebel Fort to a point not exceeding 200 metres to the east of the top of Jebel Fathi Pasha, thence to that point which is formed by the intersection of a prolongation of this line with a perpendicular line drawn from a point 200 metres measured from the top of Jebel Fathi Pasha along the line drawn from the centre of the top of that hill to Mofrak Point (the Mofrak is the junction of the Gaza-Akaba and Nekhl-Akaba roads). From this point of intersection to the hill east of and overlooking Thamilet-el-Radadi (place where there is water), so that the Thamila (or water) remains west of the line ; thence to top of Ras Radadi, marked on the above-mentioned map as A 3 ; thence to top of Jebel Safra, marked as A 4 ; thence to top of eastern peak of Um Guf, marked as A 5 ; thence to that point marked as A 7, north of Thamilet Sueilma ; thence to that point marked as A 8, on the west-north-west of Jebel Semaui ; thence to top of hill west-north-west of Bir Maghara (which is the well in the northern branch of the Wadi Ma Yein, leaving that well east of the Separating Line) ; from thence to A 9 ; from thence to A 9 *bis* west of Jebel Megrah ; from thence to Ras-el-Ain, marked as A 10 *bis* ; from thence to a point on Jebel-um-Hawawit, marked as A 11 ; from thence to half distance between two pillars (which pillars are marked at A 13) under a tree 390 metres south-west of Bir Rafah ; it then runs in a straight line at a bearing of 280° of the magnetic north (viz., 80° to the west) to a point on a sand-hill measured 420 metres in a straight line from the above-mentioned pillars ; thence in a straight line at a bearing of 334° of the magnetic north (viz., 26° to the west) to the Mediterranean Sea, passing over hill of ruins on the sea-shore.

Art. II.—The Separating Line mentioned in Art 1 has been indicated by a black broken line on duplicate maps (annexed to this Agreement), which shall be signed and exchanged simultaneously with the Agreement.

Art. III.—Boundary pillars will be erected, in the presence of the Joint Commission, at intervisible points along the Separating Line, from the point on the Mediterranean shore to the point on the shore of the Gulf of Akaba.

Art. IV.—These boundary pillars will be under the protection of the Turkish Sultanate and Egyptian Khediviate.

Art. V.—Should it be necessary in future to renew these pillars, or to increase them, each party shall send a Representative for this purpose. The positions of these new pillars shall be determined by the course of the Separating Line as laid down in the map.

* See Exchange of Notes between Great Britain and Turkey of 14th and 15th May, 1906, p. 1199.

Art. VI.—All tribes living on both sides shall have the right of benefiting by the water as heretofore, viz., they shall retain their ancient and former rights in this respect.

Necessary guarantees will be given to Arab tribes respecting above.

Also Turkish soldiers, native individuals, and gendarmes shall benefit by the water which remained west of the Separating Line.

Art. VII.—Armed Turkish soldiers and armed gendarmes will not be permitted to cross to the west of the Separating Line.

Art. VIII.—Natives and Arabs of both sides shall continue to retain the same established and ancient rights of ownership of waters, fields, and lands on both sides as formerly.

Commissioners of the Turkish Sultanate :
Miralai Staff Officer MUZAFFER
Bimbashi Staff Officer FAHMI.

Commissioners of the Egyptian Khediviate :
Emir Lewa IBRAHIM FATHI.
Miralai R. C. R. OWEN.

Inclosure 2 in No. 1.

Map showing the Demarcation of the Sinai Boundary. (See Map No. 44 in Atlas, or Pouch.)

UNITED STATES.

UNITED STATES.

LIST OF TREATIES, &c.

No.			Page
59	21 Sept., 1833.	Treaty. Muscat. Consular Jurisdiction	328
176	22 April, 1884.	Declarations. Congo. Recognition of Association	602
60	3 July, 1886.	Treaty. Zanzibar. Consular Jurisdiction	329
351	1862–1887.	Notes. Relations with Liberia	1130
134	2 Feb., 1892.	Protocol. Ratification. "Brussels Act," 1890	526
136	8 June, 1899.	Accession. Liquor Traffic Convention. (Note)	529
61	25 Feb., 1905.	Convention. Great Britain. Renunciation of United States' Jurisdiction in Zanzibar	329
—	$\frac{22}{29}$ April, 1907.	Instructions. Closing of United States' Consular Court in Zanzibar (Note)	330

APPENDIX.

No.			Page.
374	23 Dec., 1906.	Agreement. German Government and Bondelzwart Hottentots	1210
375	16 May, 1907.	Exchange of Notes. Great Britain and Spain. Maintenance of *Status Quo* in Mediterranean and East Atlantic Ocean	1211
376	16 May, 1907.	Declarations. France and Spain. Common Interests in Mediterranean and East Atlantic Ocean	1212
377	$\frac{18}{19}$ Dec., 1907.	Procès-Verbaux. Demarcation of Frontier. Soudan and Eritrea. Ras Kasar to Jebel Injaha	1213
378	5 April, 1908.	Decree. Italy. Organization of Italian Possessions in Somaliland	1214
379	18 April, 1908.	Convention. France and Germany. Delimitation of Colonies of French Congo and Cameroons	1215
380	16 May, 1908.	Convention. Italy and Ethiopia. Frontier. Italian Somaliland and Ethiopia	1223
381	16 May, 1908.	Convention. Italy and Ethiopia. Frontier. Eritrea and Ethiopia (Dankalia)	1225
382	23 Dec., 1908.	Agreements. France and Belgium. Belgian Congo. French Right of Pre-emption, &c. Renewal of Arrangements of 1895	1226

[German Government and Bondelzwart Hottentots.]

No. 374.—*AGREEMENT between the German Government and the Bondelzwart Hottentots (Submission to Germany; Non-cession of Territory; Return of Natives from British Territory, &c.). 23rd December,* 1906.

(Translation.*)

1. The Bondelzwart Hottentots submit themselves to the German Government and acknowledge its suzerainty. They give an undertaking to be for the future faithful and obedient subjects.

2. The Bondelzwart Hottentots deliver up all weapons and such ammunition as is still in their possession. For the future they are not allowed to carry weapons and ammunition. Weapons, however, may be delivered to them by way of loan by the Board of Control on certain days for the purposes of the chase.

3. To the Bondelzwarts are assigned as settlements the Warmbad, Haib, Gobis Draihuk and Wortel territories. The Bondelzwarts are to live on their territories as free men. Within these territories free movement is guaranteed to them; outside they may only go with a pass. Without permission they may neither sell nor lease any of the above-mentioned territories.

4. The Bondelzwarts receive as sustenance 1,500 bockies (goats and sheep), chiefly females, which are to be delivered to the returning people as their needs may require. The Chief of the Bondelzwarts receives about 300 head of small cattle and a span of oxen. The 1,500 bockies remain the property of the Government; the offspring belongs to the Bondelzwarts. The above-mentioned span of oxen is to be given to the Chief commensurately with the burden to be carried. The 300 head of small cattle are the free property of the chief. Till the cattle are provided and as long as the Bondelzwarts cannot provide sustenance for themselves the Government is charged with their support.

5. The Government will forthwith require from the Cape Government the return of the men, women and children who are still on English territory.

6. The foregoing arrangement shall extend to all Bondelzwarts who will submit themselves, *e.g.*, to Morris, Joseph Christian, with followers. But they must yield up their weapons.

7. Permission is freely granted to the Stuurmann tribe to go to Spitzkopf.

8. An officer or an official—in the first place Count Kageneck—will be assigned to the Bondelzwarts, who will represent their interests and to whom they may apply in such questions as may arise.

* Translation of Abstract published in the "Deutscher Reichsanzeiger" of the 25th February, 1907.

No. 375.—*NOTES exchanged between the British and Spanish Governments respecting the Maintenance of the Territorial* Status quo *in the Mediterranean and the East Atlantic Ocean. London, 16th May,* 1907.

No. 1.

Sir Edward Grey to M. de Villa Urrutia.

Your Excellency, *Foreign Office, 16th May,* 1907.

Animated by the desire to contribute in every possible way to the maintenance of peace, and convinced that the preservation of the territorial *status quo* and of the rights of Great Britain and Spain in the Mediterranean and in that part of the Atlantic Ocean which washes the shores of Europe and Africa must materially serve this end, and is, moreover, to the mutual advantage of the two nations bound to each other by the closest ties of ancient friendship and of community of interests;

The Government of His Britannic Majesty desire to lay before that of His Catholic Majesty the following declaration of policy in the confident hope that it will not only still further strengthen the good understanding so happily existing between them, but will also promote the cause of peace:—

The general policy of the Government of His Britannic Majesty in the regions above defined is directed to the maintenance of the territorial *status quo*, and in pursuance of this policy they are firmly resolved to preserve intact the rights of the British Crown over its insular and maritime possessions in those regions.

Should circumstances arise which, in the opinion of the Government of His Britannic Majesty, would alter, or tend to alter, the existing territorial *status quo* in the said regions, they will communicate with the Government of His Catholic Majesty, in order to afford them the opportunity to concert, if desired, by mutual agreement the course of action which the two Powers shall adopt in common.

I have, &c.,
E. GREY.

No. 2.

M. de Villa Urrutia to Sir Edward Grey.

(Translation.)

M. le Ministre, *Spanish Embassy, London, 16th May,* 1907.

Animated by the desire to contribute in every way to the maintenance of peace, and convinced that the preservation of the territorial *status quo* and of the rights of Spain and Great Britain in the Mediterranean and in the part of the Atlantic which washes the shores of Europe and Africa must materially contribute to the attainment of

this object, being at the same time to the advantage of the two nations bound to each other by ties of ancient friendship and by community of interests;

The Government of His Catholic Majesty desire to lay before that of His Britannic Majesty the following declaration, in the confident hope that it will contribute, not only to strengthen the good understanding so happily existing between the two Governments, but also to promote the cause of peace:—

The general policy of the Government of His Catholic Majesty in the regions above defined has for its object the maintenance of the territorial *status quo*, and in pursuance of this policy the said Government is firmly resolved to preserve intact the rights of the Spanish Crown over its insular and maritime possessions in those regions.

Should new circumstances arise which, in the opinion of the Government of His Catholic Majesty, might alter, or tend to alter, the existing territorial *status quo*, the said Government will communicate with the Government of His Britannic Majesty in order to afford the two Governments an opportunity to concert, if desired, with regard to the course of action to be adopted in common.

I avail, &c.,
W. DE VILLA URRUTIA.

No. 376.—*DÉCLARATIONS exchanged between France and Spain respecting the Common Interests of the Two Countries in the Mediterranean and the East Atlantic Ocean. Paris, 16th May,* 1907.

ANIMÉ du désir de contribuer par tous les moyens possibles à la conservation de la paix et convaincu que le maintien du *statu quo* territorial et des droits de la France (de l'Espagne) et de l'Espagne (de la France) dans la Méditerranée et dans la partie de l'Atlantique qui baigne les côtes de l'Europe et de l'Afrique doit servir efficacement à atteindre ce but, tout en étant profitable aux deux nations qu'unissent d'ailleurs les liens d'une amitié séculaire et la communauté des intérêts;—Le gouvernement de la République Française (le gouvernement de Sa Majesté catholique) désire porter à la connaissance de Sa Majesté catholique (du gouvernement de la République Française) la déclaration dont la teneur suit, avec le ferme espoir qu'elle contribuera non seulement à affermir la bonne entente qui existe si heureusement entre les deux gouvernements, mais aussi à servir la cause de la paix:

La politique générale du gouvernement de la République française (du gouvernement de Sa Majesté catholique) dans les régions susindiquées a pour objet le maintien du *statu quo* territorial et, conformément à cette politique, ce gouvernement est fermement résolu à conserver intacts les droits de la République Française (de la Couronne

Espagnole) sur ses possessions insulaires et maritimes situées dans lesdites régions.—Dans le cas ou se produiraient de nouvelles circonstances qui, selon l'opinion du gouvernement de la République Française (du gouvernement de Sa Majesté catholique), seraient de nature ou à modifier ou à contribuer à modifier le *statu quo* territorial actuel, ce gouvernement entrera en communication avec le gouvernement de Sa Majesté catholique (le gouvernement de la République Française), afin de mettre les deux gouvernements en etat de se concerter, s'il est jugé désirable, sur les mesures à prendre en commun.

Paris, le 16 Mai 1907.

S. PICHON.
F. DE LEON Y CASTILLO.

No. 377.—*PROCÈS-VERBAUX of the Commissioners for the Demarcation of the Frontier between the Anglo-Egyptian Soudan and Eritrea from Ras Kasar to Jebel Injaha*. Carora, 18th December, and Ras Kasar, 19th December*, 1907.

(1) Procès-verbal étendu par la Commission chargée de décider la Construction des Signaux additionnels sur la Frontière Anglo-Soudanaise-Erytréienne, entre J. Injaha et Ras Casar.

La Commission est composée :—

Pour le Gouv. du Soudan : S. E. le Miralai C. J. Hawker Bey.

Pour le Gouv. de l'Erytrée : Le Cap. L. Chisini, du 1er. Batt. Indigène.

Le jour 18 Décembre, aux heures 9.30 A.M., la Commission s'est réunie pour discuter sur les différentes questions concernantes la susdite frontière et a décidé de construire nombre de signaux de 10 pieds de hauteur sur la ligne entre J. Injaha et Ras Casar, tous à distance convenable, et convient de parcourir cette ligne pour en établir l'emplacement, en partant de Carora demain 19 à 7 A.M.

Pour le Gouv. du Soudan :

C. J. HAWKER, *Miralai,*
Gouverneur de la Province de la Mer Rouge.

Pour le Gouv. de l'Erytrée :

Cap. LAMBERTO CHISINI,
Du 1er. Batt. Indigène.

Carora, 18 Décembre, 1907.

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* In connection with the Anglo-Italian Agreement of the 7th December, 1898, p. 1110.

(2) Procès-verbal étendu par la Commission chargée d'établir l'Emplacement de Signaux additionels interposés entre les vieux existants sur la Frontière Anglo-Soudanaise-Erytréienne, entre J. Injaha et Ras Casar.

La Commission est composée :—

Pour le Gouv. du Soudan : S. E. le Miralai C. J. Hawker Bey, Gouverneur de la Province de la Mer Rouge.

Pour le Gouv. de l'Erytrée : Le Cap. R. Chisini du 1er. Batt. Indigène.

Le jour 19 Décembre 1907 la Commission ayant parcourue la frontière entre J. Injaha et Ras Casar a décidé de construire de signaux additionels dans des places diverses, et précisement 38 entre J. Injaha et Halibai et 12 entre Halibai et Ras Casar, de manière qu'ils soient vus très facilement.

La construction de ces signaux est faite pour aider les deux Gouvernements, ici représentés, à juger dans les questions qui peuvent surgir entre les Arabes qui viennent de franchir la frontière d'un côté et de l'autre et pour rendre la ligne très claire pour tous les indigènes qui pâturagent dans les environs.

Pour le Gouv. du Soudan :

C. J. HAWKER, *Miralai,*
Gouverneur de la Province de la Mer Rouge.

Pour le Gouv. de l'Erytrée :

Capt. CHISINI,
du 1er. Batt. Indigène.

Ras Casar, le 19 Décembre 1907.

No. 378.—*ITALIAN DECREE respecting the Organization of Italian Possessions in Somaliland. Rome, 5th April,* 1908.

[Extract.] (Translation.)

Title I.—*Government of the Colony.*

Sec. 1. The districts of East Africa subject to the sovereignty of Italy, situated between the Sultanate of Obbia and the Juba River, and between the Indian Ocean, Ethiopia, and British Somaliland, are joined under a sole Administration with the name of Italian Somaliland.

Sec. 2. The Italian Somaliland Colony is ruled by a civil governor, appointed by Royal Decree, on the proposal of the Minister for Foreign Affairs, after having heard the Council of Ministers.

The Governor performs his functions by means of a Government office and of residents.

In the Governor's absence, the Minister for Foreign Affairs will appoint the official who is to act in his place.

Sec. 3. The administration of the Protectorate of the Sultanate of Obbia, of the Nogal territory, and of the Sultanate of the Mijjerteins, known under the name of Northern Somaliland, is intrusted to the Government of Italian Somaliland.

No. 379.—*CONVENTION between France and Germany for the Delimitation of the Colonies of French Congo and the Cameroons. Signed at Berlin, 18th April, 1908.*

Le Gouvernement de la République Française et le Gouvernement de S. M. l'Empereur d'Allemagne ayant résolu, dans un esprit de bonne entente, mutuelle, de donner force et vigueur à l'accord préparé par leurs délégués respectifs pour la délimitation des colonies du Congo Français et du Cameroun,

Les soussignés :

Son Excellence Monsieur Jules Cambon, ambassadeur extraordinaire et plénipotentiaire de la République Française auprès de S. M. l'Empereur d'Allemagne, et

Son Excellence Monsieur de Schoen, secrétaire d'État des affaires étrangères de l'Empire d'Allemagne,

Dûment autorisés à cet effet, confirment le protocole (avec ses annexes) dressé à Berlin le 9 Avril dernier, et dont la teneur suit :

Protocole.

Les soussignés :

Albert Duchêne, chef de la sous-direction de l'Afrique au Ministère des Colonies,

Henry Moll, chef de bataillon breveté d'infanterie coloniale,

Louis Hermite, secrétaire d'ambassade,

Dr. Frédéric de Lindequist, sous-secrétaire d'État au Ministère des Colonies,

Dr. Otto Gleim, conseiller intime supérieur du Gouvernement au Ministère des Colonies,

Dr. Alexandre baron de Danckelmann, professeur et conseiller intime du Gouvernement au Ministère des Colonies,

Délégués par le Gouvernement de la République Française et par le Gouvernement de l'Empire Allemand à l'effet de préparer un accord destiné à préciser la frontière entre le Congo français et le Cameroun et à régler certaines questions connexes, en exécution des dispositions de la convention du 15 Mars 1894 spécialement des paragraphes 3 et 7 de l'annexe du protocole du 4 Février précédent [**No. 198**]* sont convenus des dispositions suivantes :

Frontier between French Congo and Cameroons.

Art. I.—(*a*) La frontière entre le Congo Français et le Cameroun à partir de la Guinée Espagnole (El Muny) (méridien 9° est-Paris, 11° 20′ E. Greenwich) suit :

La rivière Kyé (Kjé) depuis le confluent de la Mvèzeu (Mwèse) jusqu'à son confluent avec le Ntem (Campo),

Le Ntem, du confluent de la Kyé au confluent du Kom,

Le Kom, de son confluent avec le Ntem au confluent de son affluent

* See also Protocol of 24th December, 1885, p. 653.

de gauche le plus rapproché du bassin de l'Aïna (Ayem, Jvindo) coupant la parallèle 2° 15′ nord ou situé dans son voisinage.

Le cours de cet affluent, de son confluent avec le Kom à son intersection avec le parallèle 2° 15′ N.

Le parallèle 2° 15′ N., depuis son intersection avec l'affluent du Kom précité jusqu'à son intersection avec l'affluent de gauche de l'Aïna, le plus voisin du bassin du Kom, coupant le parallèle 2° 15′ N., ou situé dans son voisinage.

Le cours de cet affluent depuis le parallèle 2° 15′ N., jusqu'à son confluent avec l'Aïna,

Le cours de l'Aïna, jusqu'à son intersection orientale avec le paralléle 2° 10′ 20″ N. près du pilier No. 13,

Le parallèle 2° 10′ 20″ N. de l'Aïna au pilier No. 4, situé sur la route qui va de Ndongo (Dongo) à Eta (Long) par la vallée du Djua (Jua),

La ligne de partage des eaux entre le Djua et le Masimbo (Masimlo), du pilier No. 4 au confluent de ces deux cours d'eau (pilier No. 2).

Il est entendu que, si entre ces deux points (pilier No. 4 et pilier No. 2), la ligne de partage des eaux coupe la route Allemande qui va de Ndongo à Eta par la vallée du Masimbo, la frontière passera à égale distance des routes Française et Allemande, telles qu'elles sont figurées sur la carte annexée au présent protocole.

La frontière se prolonge ensuite par le cours du Djua, du confluent du Masimbo à la Ngoko (Dscha) et le cours de la Ngoko jusqu'à la Sangha (Ssanga).

Les îles de la Kyé, du Ntem et du Kom reviennent à l'Allemagne.

Les îles de l'Aïna et de la Ngoko reviennent à la France.

(*b*) La frontière remonte la Sangha (Ssanga) de l'embouchure de la Ngoko à celle de la Nyoué (Njue). Toutefois sont Françaises toutes les îles de la Sangha situées au sud d'un point fixé à 5 kilomètres au nord de la position portée pour le village de Balbal sur la carte du protocole ; sont Allemandes toutes les îles situées au nord de ce point jusqu'à l'embouchure de la Nyoué.

(*c*) La frontière suit ensuite la Nyoué jusqu'à un point situé à environ 5 kilométres au sud de l'emplacement assigné à Ngombaco sur la carte du protocole ; puis une ligne droite partant de ce point et aboutissant à un point situé à 15 kilomètres au sud de Mauvey (Mauwei).

(*d*) La frontière se poursuit vers le nord ainsi qu'il suit, et il est entendu que les points successifs de la frontière mentionnés dans le présent accord seront reliés entre eux par des lignes droites, toutes les fois qu'il n'en sera pas autrement indiqué.

Du point spécifié au paragraphe (*c*), situé à 15 kilomètres au sud de Mauvey, elle va au gué le plus au nord du ruisseau Boné (M'Boné) sur la route de Yokodouma (Jukaduma) à Molai (Molei), à environ 7 kilo métres sud-ouest de Molai. De ce point, elle va au gué de la rivière Batouri (Baturi) sur le chemin Baboua (Babua), Yanga (Benda), Boulambo (Bulambu), puis elle descend la Batouri jusqu'à la Kadei.

Elle remonte la Kadei jusqu'au confluent de la Boumbé II (Bumbe 2), puis la Boumbé II jusqu'au gué du chemin de Vanda (Wanda) à Déson (Janga).

De ce gué, elle va au gué du ruisseau Mana, sur le chemin de Nguia (Ngia) à Bagari, à 16 kilomètres au nord-est de Nguia ; ensuite, au gué de la Guirma (Gliba) sur le chemin de Bingué (Binge) à Aladji, à environ 10 kilomètres sud d'Aladji ; puis elle descend la Guirma jusqu'à son confluent avec la Kadei et remonte la Kadei jusqu'à sa source.

(*e*) De là elle va à la source de la Béré, descend cette rivière jusqu'à son confluent avec le Lom, remonte le Lom jusqu'au confluent de la Bali, remonte cette rivière jusqu'au gué du chemin de Koundé (Kundé à M'Boné 1 (Bone) à environ 18 kilomètres nord-est de Koundé.

Elle va ensuite au point situé à 3 kilomètres au nord de la source de la Mambere, telle qu'elle est indiquée sur la carte du protocole, puis au gué du Bondo, sur la route Zaoro Coumbo (Kumbo), Bertoua (Bertua), Zaoro Nô (Nu) au gué du Bondo sur le chemin Z. Coumbo-Karanga, à l'intersection de la ligne de partage des eaux entre Lom et Congo avec le chemin Gam (Velo Ngam), Naranga, à environ 6 kilomètres sud-est de Gam, de là à la montagne qui est à environ 9 kilomètres au nord du point où la rivière Mini coupe le chemin Karanga-Nabemo, au gué de la Midé sur le chemin de Bougouda à Yokoundé (Jakunde) au gué de la Ngou (Ngu) sur le chemin de Zaoro Mboné II (Bone) à Baname et descend ensuite la Ngou jusqu'à son confluent dans la Mbéré.

Elle descend le cours de cette rivière jusqu'à sa jonction avec la Mbina ou Logone occidental (Wina).

(*f*) Elle va à un point pris à 5 kilomètres à l'ouest de Di, puis à un point pris à 5 kilomètres à l'ouest de Mbé, puis au gué du ruisseau Ndiki sur la route Dol à Mandi (Manti) à environ 14 kilomètres au nord-ouest de Dol.

De là, elle gagne le chemin de Borgo (Mborgo) à Manda Bossoro, à mi-distance de ces deux villages. Elle va ensuite au gué de la rivière Guiemguié (Giemgié) sur le chemin Mbongo Mbaqueu, au gué de cette même rivière sur le chemin Diamdié (Samdsché) Mbaqueu, au gué du Sinabou (Sinambou) sur le chemin Diamdié Tiémieng (Tschimiang) puis descend le Sinabou jusqu'au gué du chemin Djebo (Dschebo) Ouailega (Wileka).

Elle gagne ensuite le gué du ruisseau Budeka (Bundeka) sur le chemin Dari-Weimba à environ 11 kilomètres au sud de Dari, le gué, du ruisseau Giganfeu sur le chemin Bagi (Mbade)–Mbéré, à environ 12 kilomètres sud-ouest de Bagi, le gué du ruisseau Jbi (Njebi) à la bifurcation des chemins de Lamé à Aoudjali (Audjali) et de Lamé à Bibene. Elle remonte l'Jbi jusqu'au chemin Lamé Degolguia, va de là en ligne droite à un point à mi-chemin entre Djaloumé (Dschalume) et Guessalé (Wodepane), puis vers le nord jusqu'au Mayo-Kabbi (Mao-Kabi) descend cette rivière jusqu'au méridien de Biparé, suit alors vers l'ouest un arc de cercle d'environ 2 kilomètres et demi de rayon décrit au tour du centre de Biparé jusqu'au chemin Biparé-Hamajadi (Hamaiadschi).

(*g*) Elle gagne ensuite un point situé à 5 kilomètres est de Figuil (Figil) sur le chemin Figuil-Djabili (Yabili) le gué du ruisseau qui coupe le chemin Biguerh (Bidjar)–Boursou (Bursu) à environ 6 kilomètres au sud de Biguerh, le gué du ruisseau qui coupe le chemin de Biguerh–

Guébagué à 3 kilomètres au sud-est de Biguerh, le gué du ruisseau Moré sur le chemin Biguerh-Sokoi (Sokeu) à environ 8 kilomètres nord-est de Biguerh et le gué du ruisseau Sasaiken sur le chemin Boursou-Boudouba (Beduwa) à environ 3 kilomètres nord-ouest de Boursou.

Elle coupe le chemin Biparé-Goubara (Gubara) à 2 kilomètres au nord de Biparé, gagne la gué du ruisseau Toukoufai (Diro) sur le chemin Binder-Garé (Garei) à environ 8 kilomètres au nord-ouest de Binder (pilier d'observations astronomiques) coupe le chemin Binder-Doumrou (Dumuru) à 4 kilomètres au nord de Binder, le chemin Binder Guidiguis (Gidigis) à 5 kilomètres nord-est de Binder et le chemin Diguélao (Dsigi-lau)-Mindiffi à 5 kilomètres sud de Diguélao.

Elle va ensuite à mi-chemin de Doudoula (Dudula)-Gouyou, de Dué (Duei)-Gouyou, de Soei-Boulambali, de Soei-Nimbakri, de Koumana-Nimbakri, de Koumana-Forkoumai, de Tala-Forkoumai, de Soumkaia (Sakumkeia)-Forkoumai, de Soumkaia-Folmai (Fornuméi), atteint la rive occidentale du Toubouri (lac de Fienga) à 2 kilomètres au sud de Kamargui-Jrle (Komergi) et la rive orientale à 2 kilomètres au sud de Guissei-Guibi (Gisei-Gibi).

Elle va ensuite aux points à mi-chemin de Pia à Made et de Folokoi à Goumoune, puis au point situé à 3 kilomètres au sud de Karam.

(*h*) De là, elle gagne un point sur la rive droite du Logone, à 2 kilomètres au nord-ouest de Ham (pilier d'observations astronomiques), un point à mi-chemin de Gaya (Gaia) à Tschoymla (Tschoimbla), un point à mi-chemin de Tchaguen (Tschaken-Gogodon) à Bouloussou, le gué du Ba-Jli sur le chemin de Tchaguen à Maula, puis un point à mi-chemin de Moudiguil (Mudigil) à Aloa, à 3 kilomètres à l'est de Moudigil, un point à 5 kilomètres à l'ouest de Taouane (Tauan) pour atteindre l'embouchure du Ba-Jli dans le Chari.

(*j*) De là, elle descend le Chari (Schari) jusqu'à son embouchure dans le lac Tchad (Tschad).

(*k*) De l'embouchure de la branche principale navigable du Chari dans le Tchad telle qu'elle est déterminée dans la carte annexée au présent protocole, la frontière atteint l'intersection du méridien 12° 08′ est de Paris (14° 28′ est Gr.) avec le parallèle 13° 05′ de latitude nord, suit ensuite vers l'ouest ce parallèle jusqu'à la frontière Franco-Anglaise (Convention Franco-Anglaise du 29 Mai 1906).

Il est entendu que les îles du Tchad, situées à l'ouest et au sud de la frontière ci-dessus indiquée, font partie du territoire Allemand ; celles qui sont à l'est et au nord font partie des possessions Françaises.

Free Navigation of Rivers Benue, Mayo-Kebbi, Shari, Logogne, Congo and Sangha.

Art. II.—L'Allemagne, en ce qui concerne la partie des eaux de la Bénoué et de ses affluents comprise dans son territoire ; la France, en ce qui concerne la partie des eaux du Mayo-Kebbi et des autres affluents de la Bénoué comprise dans son territoire, se reconnaissent respectivement tenues d'appliquer et de faire respecter les dispositions relatives à la liberté de navigation et de commerce énumérées dans les articles 26, 27, 28, 29, 31, 32, 33 de l'Acte de Berlin du 26 Février 1885. (**No. 128.**)

La France et l'Allemagne s'assurent respectivement le bénéfice de ces mêmes dispositions en ce qui concerne la navigation du Chari, du Logone et de leurs affluents.

Les puissances contractantes s'engagent respectivement à prendre les dispositions nécessaires pour assurer pratiquement la liberté de la navigation sur les cours d'eau ci-dessus mentionnés. Elles prépareront dans ce but, après la rectification du présent accord, un réglement commun de navigation.

Les dispositions de ce règlement s'appliqueront également à la navigation sur le Congo, sur la Sangha et ses affluents.

Use of Roads and Communications.

Art. III.—Dans leurs possessions respectives comprises dans les bassins de la Bénoué et de ses affluents, du Chari, du Logone, et de leurs affluents, ainsi que dans la partie du territoire Français située au sud du 13e parallèle N., les nationaux, les sujets et les protégés des deux pays seront traités sur le pied d'une parfaite égalité en ce qui concerne l'usage des routes ou autres voies de communication terrestre. Dans ces mêmes territoires, les nationaux, les sujets et les protégés des deux pays seront soumis aux mêmes règles et jouiront des mêmes avantages au point de vue des acquisitions et installations nécessaires à l'exercice et au développement de leur commerce et de leur industrie.

Sont exclues de ces dispositions les routes et voies terrestres de communication des bassins côtiers du Cameroun ou des bassins côtiers du Congo Français, non compris dans le bassin conventionnel du Congo tel qu'il a été défini par l'Acte de Berlin.

Ces dispositions, toutefois, s'appliquent à la route Yola, Ngaoundéré, Koundé, Gaza, Bania et vice-versa.

Dans les territoires visés à l'alinéa 1° du présent Article, les tarifs des taxes ou droits qui pourront être établis de part et d'autre ne comporteront, à l'égard des nationaux, sujets et protégés des deux pays, aucun traitement différentiel.

Fishing and Navigation. Lake Chad.

Art. IV.—Sur le lac Tchad, dans les eaux territoriales de la France et de l'Allemagne et sur les cours d'eau mentionnés dans les Articles précédents pour la partie de leur cours où ils forment la frontière, les riverains ressortissant à l'une ou à l'autre puissance ont les mêmes droits de pêche et de navigation.

Abrogation of Protocol of 4th February and Convention of 15th March, 1894.

Art. V.—Le Protocole du 4 Fèvrier 1894 avec son annexe ainsi que la Convention du 15 Mars suivant sont et demeurent abrogés.

Art. VI.—En foi de quoi les délégués ont dressé le présent Protocole et y ont apposé leurs signatures.

Fait à Berlin, en double expédition, le 9 Avril 1908

DUCHENE.
MOLL.
HERMITE.
VON LINDEQUIST.
GLEIM.
VON DANCKELMANN.

Annexe.

Art. I.—L'abornement de la frontière décrite dans le présent accord devra commencer d'une mainère effective dans un délai de quatre mois après la ratification de la convention.

Art. II.—Les commissaires chargés de l'abornement seront autorisés lorsque la frontière joint en ligne droite deux points d'un même cours d'eau, à substituer ce cours d'eau à la ligne droite en question, s'il ne s'en écarte que d'une faible distance. Ils seront également autorisés à faire de légères modifications répondant aux lignes naturelles du sol toutes les fois que d'un commun accord ils le jugeront utile et convenable, mais à la condition de ne pas changer l'attribution des villages mentionnés dans le protocole.

Ces déviations devront être indiquées clairement sur des cartes spéciales et soumises à l'approbation des deux gouvernements.

Toutefois, en attendant qu'elles soient approuvées, elles seront provisoirement valables et par suite respectées.

Art. III.—Partout où sur les bases du présent accord une portion de territoire sera soustraite à la juridiction d'une puissance pour passer sous celle de l'autre, les habitants en seront autorisés à choisir librement le coté de la frontière sur lequel ils désirent se fixer. Ils pourront, dans le délai d'un an après l'échange des ratifications susvisées, enlever leur récolte sur pied ainsi que leurs biens.

Lorsque l'année qui suivra la ratification sera écoulée, il appartiendra à chacune des Puissances contractantes de déterminer d'après sa législation intérieure, les conditions dans lesquelles aura lieu l'émigration ou l'immigration des populations indigènes.

Art. IV.—Dans tous les cas où la frontière est déterminé par le cours d'une rivière ou d'un ruisseau c'est le thalweg qui sert de limite.

Si, cependant le thalweg proprement dit ne peut être déterminé, de même que sur les points où il existe des rapides, la ligne médiane du cours d'eau sera la frontière.

En outre, dans le voisinage des îles, la limite passera à mi-distance entre les îles et la rive qui n'appartient pas à la même Puissance que celles-ci.

Art. V.—Sans porter atteinte à la disposition de l'Article IV de l'annexe d'après laquelle en ce qui concerne la Kadei, la Bounbé II et le Chari,

ce sera le thalweg de ces rivières qui formera la frontière, les Puissances contractantes font la réserve suivante : dans le cas où un règlement de l'état de possession sur les îles des rivières précitées serait ultérieurement reconnu désirable dans l'intérêt des habitants de l'une et l'autre rive, il y aura lieu d'admettre des modifications dans l'attribution de ces îles conformément à des propositions faites de concert par les représentants de l'administration locale et avec la garantie de compensations équitables et correspondantes.

S'il apparaissait, dans l'avenir, que les dispositions prévues par l'Article I, paragraphes (*a*) et (*b*) du présent accord, visant l'état de possession des îles situées dans les rivières Kié, Ntem, Kom, Aïna, Ngoko et Sangha, pouvaient comporter des inconvénients, les Puissances contractantes se réservent de modifier ces dispositions, mais sous la réserve qu'aucune des deux parties ne recevra un avantage sans consentir à un avantage correspondant pour l'autre.

Art. VI.—D'un commun accord, les sections Française et Allemande de la mission de délimitation du sud adoptent pour la latitude des piliers-repères du parallèle 2° 10′ 20″ N. les valeurs suivantes :

Numéro des Piliers.	Désignation.	Latitude.	Distance en Mètres du Parallèle 2° 10′ 20″ au Pilier.	
			Au Nord.	Au Sud.
		° ′ ″		
4	Route de Ndongo à Éta par la vallée du Djua	2 9 59·0	—	644
5	Route directe de Suangué (Suanké) à Éta	2 10 18·2	—	55
6	Route ouest de Suangué à Éta	2 10 20	—	—
7	Rivière Zoa (Sua)	2 10 21·7	52	—
8	Rivière Sée	2 10 22·5	77	—
9	Rivière Missoum-Missoum (Missum-Missum)	2 10 19·0	—	31
10	Rivière Karagoa	2 10 18·0	—	61
11	Au nord de Maka	2 10 21·8	55	—
12	Rivière Nsanga	2 9 57·4	—	694
13	Rivière Aina	2 10 13·4	—	205

Art. VII.—Les bornes Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 qui marquent la frontière sud, aussi bien que celles qu'il y aura lieu d'ériger sur la frontière de l'est, sont placées sous la protection commune des gouvernements Français et Allemand.

S'il devient ultérieurement nécessaire de remplacer une borne de frontière, chaque gouvernement déléguera à cet effet un Représentant.

S'il devient, en outre, ultérieurement nécessaire d'indiquer avec le plus d'exactitude le tracé de la frontière par de nouvelles bornes, chaque gouvernement déléguera un Représentant pour l'érection des bornes supplémentaires.

La position de ces bornes supplémentaires sera déterminée par le cours de la frontière telle qu'elle est fixée sur la carte du protocole.

Art. VIII.—Le Gouvernement Français garantit à l'Allemagne la possession d'un territoire de 2.500 kilomètres carrés d'un seul tenant à l'est de la ligne droite allant de Bomassa au point situé à 15 kilomètres au sud de Mauvey.

Dans le cas où la superficie comprise entre cette ligne droite et frontière déterminée aux paragraphes (*b*) et (*c*) de l'Article premier serait inférieure à 2.450 kilomètres carrés, elle serait complétée à 2.500 kilomètres carrés par l'appoint d'un territoire qui, commençant au confluent de la Nyoué et de la Sangha, serait limité à l'ouest et à l'est par ces deux rivières et par le parallèle convenable.

Dans le cas où la superficie en question serait supérieure à 2,550 kilomètres carrés, elle serait ramenée à 2.500 kilomètres carrés en repoussant vers l'ouest le point visé au paragraphe (*c*) de l'Article premier, duquel doit partir la frontière pour atteindre le point situé à 15 kilomètres au sud de Mauvey.

Si la superficie en question est comprise entre 2.450 et 2.550 kilomètres carrés, il ne sera apporté aucune modification au tracé de la frontière déterminé au paragraphe (*c*) de l'Article premier.

Les villages de Ngombaco et de Likagota resteront Français dans le cas où, à la suite d'observations ultérieures, ils viendraient à être placés à l'ouest de la ligne frontière, pourvu que leur position ait été reconnue déplacée de moins de 5 kilomètres par rapport à celle qu'ils ont sur la carte du protocole et également dans le cas où le déplacement de leur position vers l'ouest serait trouvé supérieur à 5 kilomètres pourvu qu'ils restent à l'est de la ligne frontière.

Au contraire, ces villages deviendraient Allemands si le changement de position vers l'ouest dépassait 5 kilomètres et s'ils venaient, de ce fait, à être situés à l'ouest de la ligne frontière.

Dans l'un et l'autre cas, la frontière restera distante d'au moins 5 kilomètres de ces villages et sera, s'il est nécessaire, formée par un arc de cercle de 5 kilomètres de rayon décrit soit à l'ouest, soit à l'est autour de leur centre.

Art. IX.—Les cartes annexées au présent Protocole* serviront de base à son application.

Vu pour être annexé au protocole du 9 Avril 1908 :

Berlin, le 9 Avril 1908.

DUCHENE.
MOLL.
HERMITE.
VON LINDEQUIST.
GLEIM.
VON DANCKELMANN.

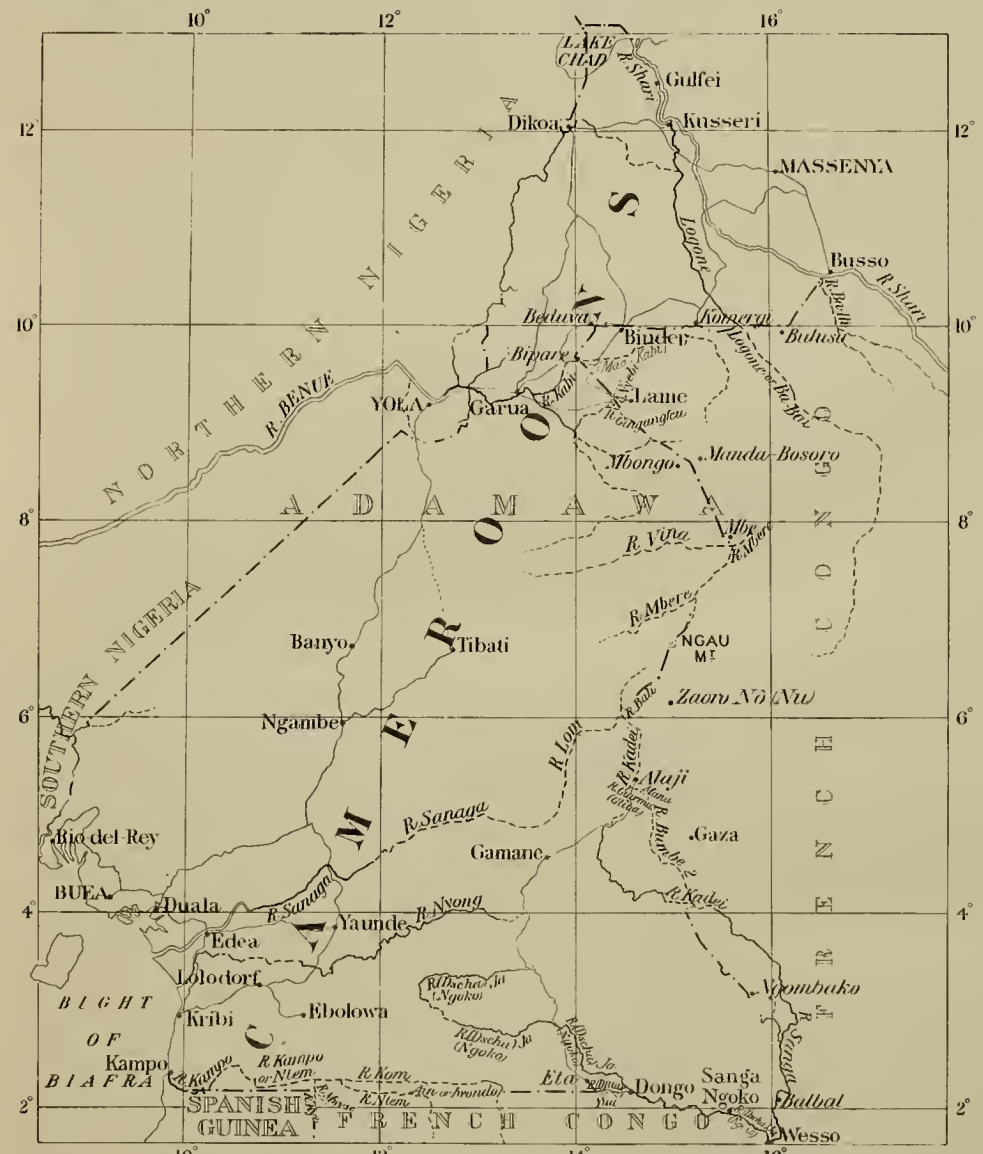
La présente convention sera ratifiée et les ratifications seront échangées à Berlin au plus tard le 1er Août 1908.†

* See Diagram Map facing this page, and Map No. 45 in Atlas (or Pouch).
† Ratifications exchanged at Berlin, 28th July, 1908.

To face page 1222.

MAP TO ILLUSTRATE THE CONVENTION BETWEEN FRANCE AND GERMANY.

BOUNDARY BETWEEN FRENCH CONGO & THE CAMEROONS], 18 APRIL, 1908.



Scale of map (No 45) in Atlas or Pouch 32 miles to 1·014 inches

Ordnance Survey, Southampton

Dans un délai maximum de quatre mois après l'échange de ces ratifications, l'évacuation des postes administratifs et militaires qui auraient été établis par chacune des puissances contractantes hors des limites assignées par le présent accord à ses possessions respectives, devra être accomplie.

Par le seul fait de l'expiration de ce délai, les changements de souveraineté résultant des modifications de frontière prévues par le présent accord seront considérées comme réalisés.

Fait à Berlin, le 18 Avril 1908, en double exemplaire.

(L.S.) JULES CAMBON.
(L.S.) SCHOEN.

No. 380.—*CONVENTION between Italy and Ethiopia for the settlement of the Frontier between the Italian Possessions of Somalia and the Provinces of the Ethiopian Empire. Signed at Adis Ababa, 16th May,* 1908.

(Translation.)

His Majesty King Victor Emmanuel III of Italy, in his own name and in the name of his successors, by means of his Representative in Adis Ababa, Cavaliere Giuseppe Colli di Felizzanno, Captain of cavalry, and His Majesty Menelek II, King of Kings of Ethiopia, in his own name and that of his successors, desiring to settle definitively the frontier between the Italian possessions of Somalia and the provinces of the Ethiopian Empire, have determined to sign the following Convention :—

Art. I.—The line of frontier between the Italian possessions of Somalia and the provinces of the Ethiopian Empire starts from Dolo, at the confluence of the Daua and the Ganale, proceeds eastwards by the sources of the Maidaba, and continues as far as the Uebi Scebeli, following the territorial boundaries between the tribe of Rahanuin, which remains dependent on Italy, and all the tribes to its north, which remain dependent on Abyssinia.

Art. II.—The frontier on the Uebi Scebeli shall be the point where the boundary between the territory of the Baddi-Addi tribe, which remains dependent on Italy, and the territory of the tribes above the Baddi-Addi, which remain dependent on Abyssinia, touches the river.

Art. III.—The tribes on the left of the Juba, that of Rahanuin, and those on the Uebi Scebeli below the frontier point shall be dependent on Italy. The tribes of Digodia, of Afgab, of Djedjedi, and all the others to north of the frontier-line shall be dependent on Abyssinia.

Art. IV.—From the Uebi Scebeli the frontier proceeds in a north-easterly direction, following the line accepted by the Italian Government in 1897 ; all the territory belonging to the tribes towards the coast shall remain dependent on Italy ; all the territory of Ogaden, and all that of the tribes towards the Ogaden, shall remain dependent on Abyssinia.

Art. V.—The two Governments undertake to delimit on the spot, and as soon as possible, the actual line of the frontier as above-mentioned.

Art. VI.—The two Governments formally undertake not to exercise any interference beyond the frontier-line, and not to allow the tribes dependent on them to cross the frontier in order to commit acts of violence to the detriment of the tribes on the other side of the line; but, should questions or incidents arise between or on account of the limitrophe tribes, the two Governments shall settle them by common accord.

Art. VII.—The two Governments mutually undertake to take no action and to allow their dependents to take no action which may give rise to questions or incidents, or disturb the tranquillity of the frontier tribes.

Art. VIII.—The present Convention shall, as regards Italy, be submitted to the approval of the Parliament and ratified by His Majesty the King.*

Done in duplicate and in identic terms in the two languages, Italian and Amharic.

One copy remains in the hands of the Italian Government, and the other in the hands of the Ethiopian Government.

Given in the city of Adis Ababa, the 16th day of the month of May, of the year 1908.

GIUSEPPE COLLI DI FELIZZANO.
(Seal of Menelek.)

Additional Act.

His Majesty Victor Emmanuel, King of Italy, by means of his Representative in Adis Ababa, Cavaliere Giuseppe Colli di Felizzano, Captain of cavalry, and His Majesty Menelek II, King of Kings of Ethiopia, have agreed on the following additional Act to the Convention of the 16th May, 1908, for the delimitation of the frontier between the Italian possessions in Somalia and the provinces of the Ethiopian Empire :—

SINGLE ARTICLE.

The Government of His Majesty the King of Italy shall, after approval has been given by the Italian Parliament, and ratification by His Majesty the King, of the present Additional Act,* put at the disposition of His Majesty Menelek II, King of Kings of Ethiopia, the sum of 3,000,000 Italian lire.

The present Additional Act has been written in duplicate in each of the two languages, Italian and Amharic.

Given in the city of Adis Ababa, the 16th day of the month of May, of the year 1908.

GIUSEPPE COLLI DI FELIZZANO.
(Seal of Menelek.)

* Sanctioned by Royal Italian Decree of 17th July, 1908.

[Frontier, Eritrea and Ethiopia.]

No. 381.—*CONVENTION between Italy and Ethiopia for the settlement of the Frontier between the Italian Colony of Eritrea and the Provinces of the Ethiopian Empire. Signed at Adis Ababa, 16th May,* 1908.

(Translation.)

His Majesty Victor Emmanuel, in his own name and in the name of his successors, by means of his Representative in Adis Ababa, Cavaliere Giuseppe Colli di Felizzano, Captain of cavalry, and His Majesty Menelek II, King of Kings of Abyssinia, in his own name and that of his successors, desiring to regulate definitively the frontier between the Italian Colony of Eritrea and the provinces of the Ethiopian Empire, have determined to sign the following Convention :—

Art. I.—From the most easterly point of the frontier established between the Colony of Eritrea and the Tigré by the Convention of the 10th July, 1900 (**No. 125**) the boundary proceeds in a south-easterly direction, parallel to and at a distance of 60 kilomètres from the coast, until it joins the frontier of the French possessions of Somalia.*

Art. II.—The two Governments undertake to fix the above-mentioned frontier-line on the spot by common accord and as soon as possible, adapting it to the nature and variation of the ground.

Art. III.—The two Governments undertake to establish by common accord and as soon as possible the respective dependency of the limitrophe tribes on the frontiers on the basis of their traditional and usual residence.

Art. IV.—The two Governments undertake to recognise reciprocally the ancient rights and prerogatives of the limitrophe tribes without regard to their political dependence, especially as regards the working of the salt plain, which shall, however, be subject to the existing taxes and pasturage dues.

Art. V.—The two Governments formally undertake to exercise no interference beyond the frontier-line, and not to allow their dependent tribes to cross the frontier in order to commit acts of violence to the detriment of the tribes on the other side ; but should questions or incidents arise between or on account of the limitrophe tribes the two Governments shall settle them by common accord.

Art. VI.—The two Governments mutually undertake not to take any action, nor to allow their dependent tribes to take any action, which may give rise to questions or incidents or disturb the tranquillity of the frontier tribes.

Art. VII.—The present Convention shall be, as regards Italy, submitted to the approval of Parliament and ratified by the King.†

Done in duplicate and in identic terms in the two languages, Italian and Amharic. One copy remains in the hands of the Italian Government, and the other in the hands of the Ethiopian Government.

Given in the city of Adis Ababa, the 16th day of the month of May, 1908.

GIUSEPPE COLLI DI FELIZZANO.

(Seal of Menelek.)

* See General Map facing p. 1116.

† Sanctioned by Royal Italian Decree of 17th July, 1908.

[Belgian Congo. French Right of Pre-emption. Boundary. Limits of Possessions in Stanley Pool.]

No. 382.—*AGREEMENTS signed by Belgium and France in consequence of the Annexation of the Independent State of the Congo by Belgium.** *Paris and Brussels, 23rd December,* 1908.

From information that has appeared in the public press it is understood that the following Agreements have been signed :—

(1) Agreement signed at Paris respecting the French right of pre-emption (préférence) over the Territories of Belgian Congo.

This is apparently a renewal of the Arrangement of 5th February, 1895 (**No. 158**), which, in consequence of the withdrawal of the Treaty of Cession of the 9th January, 1895 (**No. 141**), was not ratified.

(2) Declarations signed at Brussels relative to the Delimitation of the French and Belgian Possessions on the Congo.

(*a*) Boundary between the northern source of the Chiloango to the crest of the watershed of the Niadi-Killou and the Congo, to be formed by the line of summits (*ligne de faîte*) between the peak Kiama and the peak Bembo.

This apparently completes the Agreements arrived at in 1885 (**Nos. 152** and **154**), 1887 (**No. 156**) and 1894 (**No. 157**), and defines a part of the frontier not previously delimited.

(*b*) The Island of Bamou, the waters and islets inclosed between that island and the northern shore of Stanley Pool, are recognized as belonging to France, while the islands situated to the south of the Island of Bamou are recognized as belonging to Belgium.

This is practically the same Declaration as that signed on the 5th February, 1895 (**No. 159**), relative to the Limits of French and Congo Possessions in Stanley Pool. The Declaration of 1895 was not ratified in consequence of the withdrawal of the Treaty of Cession of the 9th January, 1895 (**No. 141**).

In addition, the territory of Bamou is placed under the régime of perpetual neutrality.

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* See Treaty of November 28, 1907, p. 548.

ALPHABETICAL INDEX.

ALPHABETICAL INDEX TO VOLS. I, II, AND III.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Abassouen	British and French Spheres	2—9 Feb., 1888	225	1	726
Ablis (Aussa)	Cession of Part to Italy	15 Mar., 1883	112	5	448
Abomey-Kalavy	(Dahomey). Annexed to France	3 Dec., 1892	194	—	651
,,	,, ,,	29 Jan., 1894	194	—	652
Abu Gamal.....	To River Setit. Soudan-Eritrean Frontier	22 Nov., 1901	291	—	952
,, ...	,, ,,	15 May, 1902	100	—	433
,, ...	,, ,,	18 Feb., 1903	344	—	1117
Abyssinia	Abyssinia and France. Frontier of French Coastal Zone	20 Mar., 1897	95	—	421
,, ...	Shoa and Great Britain. Treaty. Friendship, &c.....	16 Nov., 1841	96	—	421
,, ...	Abyssinia and Great Britain. Treaty. Friendship, &c.	2 Nov., 1849	97	—	422
,, ...	Ethiopia and Great Britain and Egypt. Treaty. Bogos, &c.	3 June, 1884	98	—	422
,, ...	Ethiopia and Great Britain. Treaty. Frontiers. Somali Coast Protectorate	14 May, 1897	99	—	423
,, ...	,, ,,	4 June, 1897	99	—	428
,, ...	Ethiopia and Great Britain. Treaty. Frontier. Soudan and Ethiopia	15 May, 1902	100	—	431
,, ...	Ethiopia, Great Britain and Italy. Treaty. Frontiers between Ethiopia and Eritrea and Soudan and Eritrea	15 May, 1902	100	—	433
,, ...	Soudan-Abyssinian Frontier. Description	27 June, 1903	101	—	434
,, ...	Great Britain, France, and Italy. Agreement. Abyssinia	13 Dec., 1906	102	—	436
,, ...	Ethiopia and Great Britain. Southern Frontier of Abyssinia (East Africa and Uganda Protectorates)	6 Dec., 1907	103	—	445
,, ...	Ethiopia and Sardinia. Treaty. Commerce....	10 Feb., 1859	104	—	446

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Abyssinia	Assab (Danakils) and Italy. Sale and Cession of Territory	1869—1880	105—108	—	446—447
,, ...	Raheita and Italy. Cession of Territory, Protection, &c.	1879—1880	109—111	—	447
,, ...	Assab (Danakils) and Italy. Treaty. Cession. Abliss (Aussa), &c.	15 Mar., 1883	112	—	447
,, ...	Shoa and Italy. Treaty. Boundaries, &c.	21 May, 1883	113	—	448
,, ...	Italy. Proclamation. Occupation of Massowah	3 Feb., 1885	114	—	450
,, ...	Aussa (Danakils) and Italy. Convention. Road. Assab to Mt. Mussalli.....	7 July, 1887	115	—	450
,, ...	Aussa (Danakils) and Italy. Convention. Assab - Aussa - Shoa Road	10 Aug., 1887	116	—	451
,, ...	Shoa and Italy. Convention. Alliance.....	20 Oct., 1887	117	—	451
,, ...	Italy. Protectorate over Zula. Notification....	2 Aug., 1888	118	—	452
,, ...	Aussa (Danakils) and Italy. Treaty. Italian Protectorate.....	9 Dec., 1888	119	—	452
,, ...	Ethiopia and Italy. Treaty. Boundaries. Foreign Relations	2 May, 1889*	120	—	454
,, ...	Ethiopia and Italy. Additional Convention. Boundaries, &c.	1 Oct., 1889	121	—	456
,, ...	Conduct of Ethiopian Foreign Affairs by Italy. Notification....	12 Oct., 1889†	122	—	457
,, ...	Italy. Notification. Protectorate. Aussa (Danakils).....	6 Dec., 1889	123	—	458
,, ...	Abyssinia and Italy. Treaty. Frontiers	26 Oct., 1896	124	4	459
,, ...	Ethiopia and Italy. Treaty. Eritrean Frontier.	10 July, 1900	125	—	460
,, ...	Ethiopia, Italy and Great Britain. Treaty. Frontiers. Ethiopia, Eritrea, Soudan	15 May, 1902	100	—	433
,, ...	Ethiopia and Italy. Frontier. Italian Somaliland	16 May, 1908	380	—	1223
,, ...	Ethiopia and Italy. Frontier. Eritrea	16 May, 1908	381	—	1225
,, ...	Accession to "Brussels Act"	16 Sept., 1890	Note	—	488

* This Treaty was annulled by the Treaty of 26th October, 1896.

† These rights were acquired under the Treaty of 2nd May, 1889, which was, however, annulled by the Treaty of 26th October, 1896.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Abyssinia	Concession. Railway. Jibuti to Harrar	9 Mar., 1894	126	—	461
,,	Concession. Wallaga Mining Company	25 Dec., 1899	127	—	463
,,	Confines. British and German Spheres of Influence	1 July, 1890	270	1, § 2	901
	See also Italy. Massowah.				
Accoonfee	See Akoonfee.				
Accra	British Jurisdiction	22 June, 1874	3	—	66
Achole	See Ankole.				
Acquisitions	African Coasts. To be notified to Powers	26 Feb., 1885	128	34	484
,,	Return. Notifications	1885—1887	—	—	487
Adaeli	Cession by Tajourah to France	14 Dec., 1884	186	—	632
Addah	Treaty. Great Britain	30 Nov., 1868	3	—	65
,,	British Jurisdiction	22 June, 1874	3	—	66
	See also Ahwoonah.				
Addo	(Lagos). British Protectorate	27 June, 1863	5	—	96
,,	River. Free Navigation	10 Aug., 1889	226	4, § 1	732
,,	And Pocrah. Custom House	10 Aug., 1889	226	4, § 5	733
Aden	Gulf of. British and Italian Spheres	5 May, 1894	290	1	951
,,	,, Delimitation. French and Italian Possessions	24 Jan., 1900	200	—	663
,,	,, Ditto	10 July, 1901	201	—	664
Afflowhoo	British Jurisdiction over Seaboard	1, 6 Dec., 1879	3	—	67 68
Africa	(Central). British and Portuguese Limits	11 June, 1891	310	4	1019
,,	,, ,,	May—June, 1893	311	5	1028
	See also Congo. Nyasaland Protectorate.				
,	(East). Spheres of Influence. See Congo. Great Britain and France. Great Britain and Germany. Great Britain and Italy. Great Britain and Portugal.				
	See also East Africa Protectorate. Somaliland Protectorate. Uganda. Zanzibar.				
	(General). "Berlin Act." Trade and Civilization. Free Navigation of Rivers Congo, Niger, &c. Slave Trade by Sea and Land. Occupation of Territory on African Coasts, &c.	26 Feb., 1885	128	—	468

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Africa	(General). Protocol. Ratifications. "Berlin Act"	19 Apr., 1886	129	—	486
,,	,, "Brussels Act." African Slave Trade, &c.	2 July, 1890	130	—	488
,,	,, Declaration. Import Duties	2 July, 1890	130	—	517
,,	,, Tariff. Eastern Zone. Congo Basin	22 Dec., 1890	131	—	518
,,	,, Protocol Ratifications. "Brussels Act." Various	2 July, 1891	132	—	520, 525
,,	,, Protocol. Ratifications. Do. Austria-Hungary, Russia, Turkey, France, Netherlands	2 Jan., 1892	133	—	523
,,	,, Protocol. Ratifications. Do. United States	2 Feb., 1892	134	—	526
,,	,, Protocol. Ratifications. Do. Portugal	30 Mar., 1892	135	—	528
,,	International Convention. Liquor Traffic	8 June, 1899	136	—	528
,,	,, Ratifications	8 June, 1900	136	—	531
,,	,, Ratification. Portugal	19 June, 1900	137	—	534
,,	International Convention. Liquor Traffic	3 Nov., 1906	—	Note	530
,,	(North). See Egypt. France (Algeria) Morocco. Spain. Tunis.				
,,	(North-West). Concession of Land to British Subjects (Terfaya)	19 April, 1879	—	—	537
	See also Morocco. Spain.				
,,	(South). See British South Africa.				
,,	(South-West). See British South Africa. Germany. Portugal.				
,,	(West). See British West Africa. Denmark. France. Germany. Liberia. Portugal. Spain.				
African Coasts	Access of British and French Subjects	3 Sept., 1783	218	12	713
,, ,,	Occupation, Protectorates, &c. To be notified to Powers	26 Feb., 1885	128	34, 35	484
,, ,,	Maritime Zone defined	26 Feb., 1885	128	1, § 2	471
,, ,,	Free Access. All Flags	26 Feb., 1885	128	2	472
Africa Company	Abolition. Transfer of Possessions, &c., to British Government	7 May, 1821	2	—	29

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
African Lakes Company	War Material. Steamers....	Feb., 1891	35	8	279
,, ,,	,, ,,	24 Nov., 1894	36	3	280
,, ,,	Note.....	24 Aug., 1891	33	—	267
,, ,,	Land and Minerals claimed by British South Africa Company	24 Nov., 1894	36	7	281
Agadir.....	See Santa Cruz de la Pequeña				
Agbosomé	British Jurisdiction over Seaboard	2 Dec., 1879	3	—	68
Aggravie.....	Cession to Great Britain	12 Aug., 1866	3	—	70
Agotine Tribe	Fealty to Great Britain	3 July, 1888	3	—	72
,, ,,	German Protectorate	Dec., 1887	268	—	890
Agoué.....	Franco-German Boundary	24 Dec., 1885	195	2	655
,, ...	,, ,,	1 Feb., 1887	196	—	655
Ahwoonah.....	Treaty. Great Britain..... See also Awoonah.	30 Nov., 1868	3	—	65
Ahy Lagoon	See Tendo River.				
Ajarra.....	River. Free Navigation	10 Aug., 1889	226	4, § 1	732
,, ...	Creek. British and French Boundary.....	10 Aug., 1889	226	4, § 1	732
				Annex 2	736
Aka.....	River. British and German Boundary. Gold Coast ..... See also Note, p. 80.	1 July, 1890	270	4, § 1	903
Akaba.....	Fort. Outside Egyptian Territory	8 April, 1892	178	—	619
,, ...	Administrative Dividing Line. Turkey and Egypt	1 Oct., 1906	373	—	1201
Akobo, River....	Frontier. Soudan and Ethiopia	15 May, 1902	100	1	431
Akoonfee	Allegiance to Great Britain	Nov., 1864	3	—	64
Akropong	Treaty. Great Britain.....	30 Mar., 1850	3	—	64
Ala Tacura, Mount	To Eritrea. Abyssinian Frontier	15 May, 1902	100	—	433
Albatross Rock	British. Letters Patent .... See also Ichaboe.	27 Feb., 1867	19	—	166
Albert Lake	Great Britain and Congo Free State. Boundary	12 May, 1894	163	2	579
Albert Edward	Lake and Lake Tanganika. Territory between	12 May, 1894	163	3	579
,, ,,	,, ,,	22 June, 1894	164	—	584
Albreda	Fort James. Guarantee to England	3 Sept., 1783	1	—	7
,, ...	Boundary. French Factory	19 June, 1826	1	—	9
,, ...	Territory near. Cession to Great Britain	18 Nov., 1850	1	—	13
,, ...	Cession to Great Britain (except French portion)	5 Jan., 1852	1	Note	9
,, ...	,, ,,	7 Mar., 1857	221	2	717
,, ...	French Rights.....	15 June, 1826	1	—	9
,, ...	French Vessels Trading to	15 June, 1826	1	2	9
,, ...	French Rights.....	7 Mar., 1857	221	3, 4	717
Alcatras	Islands. (Off Senegal.) French Occupation	30 Nov., 1887	Note	—	641
Alcoholic Liquors	See Spirituous Liquors.				

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Algeciras Act	Morocco Conference	7 Apr., 1906	355	—	1149
Algeria	French Occupation	1830—1890	191	—	643
,,	And Morocco. Boundary	10 Sept., 1844	354	5	1146
,,	,, ,,	18 Mar., 1845	355	1, 2, 3	1146
,,	And Tunis. Boundary	9 May, 1881	360	—	1184
,,	Non-introduction of Arms into Tunis	12 May, 1881	369	9	1187
Alhucemas	Moors on Frontier	6 May, 1845	363	2	1171
,,	,, ,, Guards	24 Aug., 1859	364	6	1173
,,	,, ,, ,,	26 April, 1860	365	5, 6	1174
,,	,, ,, ,,	5 Mar., 1894	Note	—	1177
Allada	See Dahomey.				
Amadib	Egyptian Evacuation	3 June, 1884	98	2	422
,,	,, ,,	July, 1884	178	—	617
Amaponda	See Pondoland. Natal.				
Amaputaland	See Maputaland.				
Amaquatis	British Protection	10 Dec., 1875	23	—	201
Amatonga	See Tongaland.				
Ambacta, River	Frontier. Anglo-Egyptian Soudan and Eritrea. See Soudan.				
Ambado	Cession by Tajourah to France	14 Dec., 1884	186	—	632
,,	French trade with	26 Mar., 1885	188	3	633
Ambas Bay	British Sovereignty	19 July, 1884	212	—	694
,,	British Possession	29 April, / 7 May, 1885	260	—	869 / 870 / 871
,,	German Protectorate	28 Mar., 1887	—	Note	871
Amphila	To Ras Dumeira. Danakil Coast. Italian Possession	9 Dec., 1888	119	3	453
Andara	Village. German. Boundary, Germany and Portugal	30 Dec., 1886	216	1	704
Anglo-Egyptian Soudan	See Soudan.				
Angola	Portuguese Province	—	Note	—	1013
,,	And Mozambique. Territories between. French Recognition of Portuguese Rights	12 May, 1886	208	4	675
,,	,, Conditional recognition of, ditto, by Germany	30 Dec., 1886	216	3	704
,,	,, ,, British Protest against Portuguese Claims	13 Aug., 1887	—	—	705
Angoniland	See Central Angoniland.				
Angra Pequeña	See Ichaboe and Penguin Islands, and Cape Colony.				
Anjouan	(Johanna). See Comoro Islands.				
Ankara	(Madagascar). Cession to France	5 Mar., 1841	202	—	664
,,	,, Nossi-Mitsion	1 June, 1841	202	—	664
Ankole	Boundary. Uganda	18 June, 1894	86	—	395
,,	Boundaries, Administration, &c.	25 Oct., 1901	91	—	401
Annabon	Island. Cession to Spain. See also Fernando Po.	1 Mar., 1778	368	13	1180
Anum	(Gold Coast). Fealty to British Crown	3 July, 1888	3	—	72

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Aowin	(Gold Coast). British Possession	26 June, 1891	232	—	743
Appa (or Appah)	British Protectorate. British Flag hoisted	15 Mar., 1884	5	—	99
„ „	British Possession of Capital recognised	10 Aug., 1889	226	4, § 1	732
„ „	Protection to Inhabitants. French Portion	10 Aug., 1889	226	4, § 3	732
Appolonia	British Rights	13, 14 Feb., 1874	3	—	66
	See also Gold Coast.				
Aquamoo	(Gold Coast). Cession to Great Britain	27 July, 1886	3	—	70
„	British Protection	9 May, 1887	3	—	71
„	In British Sphere	Dec., 1887	208	—	890
Arbitration	British. Differences. Ethiopia and Egypt	3 June, 1884	98	6	423
„	Disagreements. Treaty Powers. Berlin Act	26 Feb., 1885	123	12	475
„	Differences. Great Britain and Portugal	11 June, 1891	310	11, 13	1021, 1023
„	See also Delagoa Bay.				
Archibong's	Disputes. Great Britain and Congo	9 May, 1906	165	8	586
	(Or Arsibon's) Village. Rio del Rey Boundary	14 April, 1893	273	3	911
Arguin	Fort. Cession to France	3 Sept., 1783	218	9	713
Arms and Ammunition	Non-introduction into Algeria through Tunis	12 May, 1881	369	9	1187
„ „	"Berlin Act." Transport. Congo and Niger	26 Feb., 1885	123	25, 33	481, 484
„ „	Somali Coast, &c.	2/9 Feb., 1888	225	—	726
„ „	Zanzibar and British East Africa Company	9 Oct., 1888	65	4	354
„ „	Importation prohibited. Zone defined. "Brussels Act"	2 July, 1890	130	8—13	494
„ „	Tariff. Eastern Zone. Congo Basin	22 Dec., 1890	131	2	519
„ „	British South Africa Company	30 July, 1891	33	—	267
„ „	Import Duties. Zanzibar.	22 June, 1892	46	—	312
„ „	Imports. Benadir Ports	12 Aug., 1892	334	4	1097
„ „	See also Separate Countries.				
Aroangwa (Loangwa)	River. British and Portuguese Spheres of Influence	11 June, 1891	310	1, 2	1017, 1018
„ „	„ „	May—June, 1893	311	10	1029
Artijere	See Atijere.				
Ashanti	Treaty. Great Britain	27 April, 1831	3	—	64
„	„ „	13—14 Feb., 1874	3	—	65
„	British and French political action	10 Aug., 1889	226	3, § 1	730
„	Annexation by Great Britain	26 Sept., 1901	3	—	77
„	Limits	22 Oct., 1906	3	—	77
Assab	(Danakils). Sale and Cession of Territory to Italy	1869—1880	105—108	—	446—447

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Assab	(Danakils). Cession to Italy of part of Ablis	15 Mar., 1883	112	5	448
,,	,, Intercourse with Shoa. Protection of Natives	21 May, 1883	113	9—11	449
,,	,, Road to Mt. Mussalli	7 July, 1887	115	2	451
,,	,, Assab-Aussa-Shoa Road	10 Aug., 1887	116	1	451
,,	,, ,,	9 Dec., 1888	119	2	453
,,	Spanish Naval Station	Dec., 1887	361	—	1168
Assinee	French Customs Tariff	10 Aug., 1889	226	3, § 3	731
,,	British and French Boundary	10 Aug., 1889	226	3, § 1 Annex 2	730 735
Atbara	River. British and Italian Spheres of Influence	15 April, 1891	239	1, 2	949
,,	Irrigation Works on	15 April, 1891	239	3	950
Atijere	Island (Lagos). British Protectorate	24 Oct., 1885	5	—	103
,,	Wharf. Jurisdiction. Itebu, &c.	9 Oct., 1888	5	—	110
Atlantic Ocean, East	See East Atlantic Ocean.				
Aubad	Island. Ceded to Great Britain	3 Sept., 1840	93	—	408
,,	British Protectorate	20 July, 1887	93	—	410
Aussa	(Danakils). Sale and Cession of Territory to Italy	1839—1880	105—108	—	446—447
,,	,, Cession of part to Italy	15 Mar., 1883	112	5	448
,,	,, Road. Assab to Mt. Mussalli	7 July, 1887	115	2	451
,,	,, Assab-Aussa-Shoa Road	10 Aug., 1887	116	1	451
,,	,, ,,	9 Dec., 1888	119	2	453
,,	,, Italian Administration of Justice	10 Aug., 1887	116	3	451
,,	,, Italian Protectorate and Sovereignty over Danakil Coast	9 Dec., 1888	119	2, 3	453
,,	,, Exclusion of Foreigners	9 Dec., 1888	119	5	453
,,	,, Italian Protectorate over Aussa	6 Dec., 1889	123	—	453
Austria-Hungary	And Congo. Recognition of Association	24 Dec., 1884	138	5	543
,,	And Zanzibar. Consular Jurisdiction	11 Aug., 1887	50	2	315
,,	,, Cessation of do.	8–11 May, 1907	50	—	315
,,	Accession. Liquor Traffic Convention	8 June, 1899	136	Note	529
Avrekete	Annexed to France	3 Dec., 1892	194	—	652
Awad, Cape	See Ras Auad.				
Awoonah	British Jurisdiction See also Ahwoonah.	22 June, 1874	3	3	66
Axim	See Gold Coast (Notes).				
Ayliff, Mt.	Pondoland. Annexation to Cape Colony	23 Aug., 1886	19	—	170
..	,, Agreement. Pondo Chief	9 Dec., 1886	19	—	172

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Ayliff, Mt.	Pondoland. Letters Patent. Annexation	29 July, 1887	19	—	174
,,	See also Cape Colony.				
Ayuda	See Whydah.				
Azaphe	River to Cape Bellone (Madagascar). French Occupation	4 Nov., 1818	202	—	664
Bab	Island. Cession to Great Britain	27 Aug., 1840	93	—	408
,,	,, Included in French Sphere	2—9 Feb., 1888	225	2	726
Bacca Loco	Cession to Great Britain	12 Dec., 1825	2	—	33
Badagry	(Lagos). Cession to Great Britain	7 July, 1863	5	—	97
,,	,, ,,	5 May, 1886	5	—	104
Badjibo	British lease to French of land at	20 May, 1903	248	—	812
Bafing	River. Soudan	—	—	—	640
Bagamoyo	Zanzibar Possession	9 June, 1886	261	5	875
,,	German Possession	27—28 Oct., 1890	271	—	907
Bageida	Harbour. German Protectorate	15 Oct., 1884	212	—	693
Bago	Cession to Great Britain. Isles de Los	6 July, 1818	2	—	27
Bagroo	Cession to Great Britain	9 Nov., 1861	2	—	44
Bahr el Ghazal	Excluded from German Sphere	15 Nov., 1893	275	4	914
Bakassey or Backasay	Peninsula. Rio del Rey	14 April, 1893	273	3	911
Bamou Island	(Stanley Pool.) French Possession	5 Feb., 1895*	159	—	571
,,	,, ,,	23 Dec., 1908	382	—	1226
Banana	Islands. Cession to Great Britain	25 May, 1819	2	—	27
,,	,, ,,	21 July, 1820	2	—	28
,,	,, ,,	20 Oct., 1820	2	—	28
Bance	Islands. (Sierra Leone.) Cession to Great Britain	10 July, 1807	2	3	27
,,	,, ,,	2 Aug., 1824	2	1	30
Bangweolo	Lake. Boundary. Congo State	1 Aug., 1885	145	—	553
,,	,, ,, rectified	12 May, 1894	163	1	578
Banjola	Island. See St. Mary Island.				
Baraka	To Red Sea. Frontier. Italy and Egypt	25 June, / 7 July, 1895	338	—	1108
Barca	See Baraka.				
Bardera	See Lugh.				
Barmaquinola	Liberian possession	8 Dec., 1892	351	1, § 3	1134
Barolongs	British jurisdiction	22 May, 1884	19	—	178
	See also Transvaal.				
Baro, River	Frontier. Soudan and Ethiopia	15 May, 1902	100	1	431
,,	Treaty. Great Britain and Ethiopia. Lease to Soudan of Territory, near Itang, for Commercial Station†	15 May, 1902	100	4	432
	See also Sobat.				

* The Treaty of 1895 for the Cession of the Congo State to Belgium was withdrawn, but a fresh Treaty was concluded on November 23, 1907.

† Gambela was substituted for Itang. See Note, p. 432.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Barotse	In British Sphere	11 June, 1891	310	4	1019
,,	,,	May—June, 1893	311	10	1029
,,	Arbitration. Boundary Question. Great Britain and Portugal	12 Aug., 1903	323	—	1072
,,	Do. Award	30 May, 1905	326	—	1074
Barotziland—North Western Rhodesia	British jurisdiction. Limits	28 Nov., 1899	33	3	268
Barra	Cession of Bacco Loco to Great Britain	12 Dec., 1825	2	—	33
,,	See also Gambia.				
Barruwa	(Lake Chad). French influence	5 Aug., 1890	229	2	739
,,	Turkish claim to	30 Oct., 1890	230	—	741
Barué District	British and Portuguese frontier in East Africa from the River Mazoe to 18° 30′ S. lat.	11 June, 1891	310	2	1018
,,	Agreement. Boundary Commissioners	23 June 6 Dec., 1898	317	—	1069
,,	River Mazoe to Mount Karera	4 Mar. 28 April, 1902	322	—	1071
,,	Mount Karera to 18° 30′ S. lat.	18 Jan. 12 April, 1904	324	—	1073
Bastards	Or Griqua country, annexed to Bechuanaland	8 May, 1891	21	—	191
Basutoland	Notes on	1843—1908	20	—	184
,,	Independence recognized	23 Feb., 1854	20	—	184
,,	British territory	12 Mar., 1868	20	—	184
,,	Annexed to Cape Colony. Boundaries	11 Aug., 1871	20	—	185
,,	Disannexed from do.	Act No. 34. 1883	20	—	185
,,	Direct British authority over	2 Feb., 1884	20	—	186
Batanga	Little. German Protectorate	15 Oct., 1884	212	—	633
Batelling	(Central Kiang). British Sovereignty	14 Oct., 1888	1	—	19
Bathurst	French residents. Consular Agent	7 Mar., 1857	221	3	717
Batlapings	British jurisdiction	3 May, 1884	19	—	178
	See also Transvaal.				
Bay Beach	See Lome.				
Bayol Island	Slave Coast. Franco-German Boundary	1 Feb., 1887	196	—	655
Bechuanaland	And the South African Republic. Boundary	17 Oct., 1871	28	—	222
,,	,, ,, ,,	3 Aug., 1881	28	—	226
,,	,, ,, ,,	27 Feb., 1884	28	—	231
,,	British and German spheres	1 July, 1890	270	3	901
Bechuanaland (British)	Country of the Batlapings	3 May, 1884	19	—	178
,,	Country of the Barolongs	22 May, 1884	19	—	178
,,	Government. British Bechuanaland	29 Sept., 1885	19	—	178
,,	Boundaries. Do.	30 Sept., 1885	19, 21	—	179, 190
,,	Incorporation with Cape Colony	3 Oct., 1895	19	—	179

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Bechuanaland Protectorate	Bechuanaland and the Kalahari. British Jurisdiction	27 Jan., 1885	19	—	178
,,	British Protectorate Boundaries	30 Sept., 1885	19, 21	—	179, 190
,,	Territories to north of	29 Oct., 1889	21	—	190
,,	,, ,,	30 June, 1890	21	—	190
,,	Annexation. Bastards or Griqua country	8 May, 1891	21	—	191
,,	British Jurisdiction. Tati, &c.	27 June, 1891	22	—	192
,,	Notes on the Bechuanaland Protectorate	1885—1908	21	—	190
Beilul	Italian Administration	10 Aug., 1887	116	3	451
Belgian Congo	See Congo, Belgian.				
Belgium	And Congo. Recognition of Association	23 Feb., 1885	139	—	545
,,	,, Belgian Loan to Congo. Eventual Annexation of State to Belgium	3 July, 1890	140	—	545
,,	,, Cession of Congo Free State to Belgium See also Congo, Belgian	28 Nov., 1907	142	—	548
,,	And France. French right of pre-emption. Congo State	5 Feb., 1895*	158	—	570
,,	,, Limits. Possessions. Stanley Pool	5 Feb., 1895*	159	—	571
,,	,, Renewal of Agreements of 1895	23 Dec., 1903	382	—	1226
,,	And Zanzibar. Consular jurisdiction	30 May, 1885	51	—	315
,,	,, Cessation of Consular Jurisdiction	$\frac{7}{15}$ May, 1907	51	—	315
,,	Award. Customs and administration. Isle of Lamu	17 Aug., 1889	269	—	891
,,	Law. Right to annex Congo State	10 Aug., 1901	141	—	547
,,	Law. Approving Treaty of Cession of Congo State	18 Oct., 1908	—	Note	548
,,	Law. Government of Belgian Congo	18 Oct., 1908	—	Note	548
,,	Arrêté. Fixing date for assumption of sovereignty over Belgian Congo†	4 Nov., 1908	—	Note	549
Bexley	(Sherbro). Cession to Great Britain	9 Nov., 1861	2	—	44
Bellone, Cape	See Cape Bellone.				
Benadir Ports (and Coast)‡	(Brava, Meurka, Magadisho, and Warsheikh). Limits.				
	Zanzibar sovereignty	9 June, 1886	261	8	876
,,	,, ,, (and Kismayu)	Oct.—Nov., 1886	264	1	882, 885
,,	,, ,, ,,	3, 4 Dec., 1886	41	1	304

* The Treaty of 1895 for the Cession of the Congo State to Belgium was withdrawn, but a fresh Treaty was concluded on November 23, 1907.

† The date fixed was the 15th November, 1908.

‡ Now organized under the title of Italian Somaliland.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Benadir Ports (and Coast)*	British East Africa Company and Italy. Joint occupation of Kismayu	15 Jan., 1889	331	—	1088
,,	Eventual transfer by British East Africa Company to Italy	3 Aug., 1889	331	—	1088
,,	Leased by Zanzibar to British East Africa Company	31 Aug., 1889	66	1	360
,,	Transfer. British East Africa Company to Italy, subject to approval of Zanzibar	18 Nov., 1889	332	—	1031
,,	,, Notification. Italian Protectorate over Coast	19 Nov., 1889	350	—	1125
,,	Concession. Zanzibar to British East Africa Company	4 Mar., 1890	68	—	362
,,	Zanzibar consent to transfer by British East Africa Company to Italy	5 Mar., 1890	63	—	363
,,	Administration by British East Africa Company transferred to Italy	8 April, 1890	333	—	1094
,,	Excepted from British Protectorate of Zanzibar	4 Nov., 1890	43	—	310
,,	Concession of 4th Mar., 1890, modified	5 Mar., 1891	70	—	365
,,	Import Duties	22 June, 1892	46	—	312
,,	Administration conceded by Zanzibar to Italy	12 Aug., 1892	334	—	1094
,,	,, ,,	15 May, 1893	335	—	1100
,,	Italy and Zanzibar. Rent to be paid by Italy	1 Sept., 1896	336	—	1103
,,	Administration by Benadir Company	25 May, 1898	337	—	1104
,,	Purchase by Italy from Zanzibar	13 Jan., 1905	293	—	954
,,	Organization. Italian Somaliland	5 April, 1908	378	—	1214
,,	Italy and Ethiopia. Frontier. Italian Somaliland (Benadir) See also Zanzibar.	16 May, 1908	380	—	1223
Bender Ziadeh	See Bunder Ziadeh.				
Bendoo	(Sherbro). Cession of portion to Great Britain	9 Nov., 1861	2	—	43
Benia River	British Protectorate, as far as to Odi. Coast line	5 Feb., 1886	5	—	103
,,	British Sovereignty and Protection	5 Feb. 1886	5	—	103
Bennah	And Tambakka (Sierra Leone). Anglo-French Boundary	10 Aug., 1889	226	2	730

* Now organized under the title of Italian Somaliland.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Benué River	Niger Districts. British and German Spheres. Gulf of Guinea	July—Aug., 1886	263	—	880
,, ...	And Lake Chad. Transit Dues, &c.	1 July, 1890	270	5	903
,, ...	,, ,, Anglo - German Spheres	15 Nov., 1893	275	1, 2	913
,, ...	Yola-Lake Chad. Boundary	12 Dec., 1902	281	2	930
,, ...	,, ,, ...	19 Mar., 1906	284	1	937
,, ...	Free Navigation. French and German Territories.....	18 Apr., 1903	379	2	1218
Berbera	Free Port.....	7 Sept., 1877	178	1	615
Berim River	(Gold Coast). Insuaim Ferry.....	2 June, 1888	3	—	71
Berlin Act	Trade. Civilization. Rivers Congo, Niger, &c. Slave Trade. Occupation of African Coasts	26 Feb., 1885	128	—	468
,, ...	Ratifications. Do.	19 April, 1886	129	—	486
,, ...	Accession. Congo.....	26 Feb., 1885	143	—	550
,, ...	Accession.....Zanzibar	8 Nov., 1886	49	—	314
,, ...	Application to British and German Spheres within Free Zone..... See also Free Trade Zone.	1 July, 1890	270	8	904
Bertiri.....	Tribes. British and Italian Spheres	5 May, 1894	290	1	951
Betente	Cession to Great Britain	25 July, 1887	1	—	18
Bewa, River	See Biwa.				
Bia Kabouba	Anglo-French Spheres	2—9 Feb., 1888	225	1	726
Bight of Biafra	Franco-German Limits..... See also Niger Coast Protectorate.	24 Dec., 1885	195	1	653
Bimbia	Cameroons. German Protectorate	15 Oct., 1884	212	—	693
Binue	See Benué.				
Biwa, River	Boundary. Sierra Leone and Liberia	25 June, 1903	352	—	1136
Bizerta	Non-annexation by France	20 May, 1881	223	—	722
,, ...	British Right to use Port	20 May, 1881	223	—	722
Blue Nile	To Juba River. Anglo-Italian Spheres	24 Mar., 1891	288	—	948
,, ...	To Ras Kasar. Anglo-Italian Spheres	15 April, 1891	289	—	949
,, ...	No Works to be constructed to arrest flow. Treaty. Great Britain and Ethiopia	15 May, 1902	100	3	432
,, ...	Soudan. Abyssinian Frontier. River Rahad to Blue Nile and Blue Nile to the South	27 June, 1903	101	—	434
Bofosso	Franco-Liberian Boundary	18 Sept., 1907	353	1	1140
Bogos	Restoration to Ethiopia	3 June, 1884	98	2	422
Bojador, Cape	See Cape Blanco.				
Bompey Island	Limits	$\frac{4}{7}$ July, 1849	2	—	38
Bomvanaland....	(Transkei). See Cape Colony.				

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Bondelzwart	Hottentots. Agreement with Germany. Submission. Non-cession of Territory, &c.	23 Dec., 1906	374	—	1210
Bonkia	(Quiah). Sierra Leone	29 Jan., 1872	2	—	47
Bonny.....	See Niger Coast Protectorate.				
Bontuku	See Gama.				
Borana Tribe	Agreement. Great Britain and Ethiopia. Southern Frontier	6 Dec., 1907	103	—	445
Borgu	(Boussa). Royal Niger Company. British Protection, &c.	20 Jan., 1890	12	—	128
,, ...	British and French Boundary	14 June, 1898	241	2, 5	786 788
,, ...	,, ,,	22 Dec., 1900	245	—	797
,, ...	,, ,,	19 Oct., 1906	258	—	849
Bornu	Anglo-German Boundary. Yola to Lake Chad	19 Mar., 1906	284	5	938
Boussa	See Borgu.				
Brava	Zanzibar Limits ..... See also Benadir Ports.	9 June, 1886	261	8	876
Brekama.....	British Sovereignty and Protection.....	29 May, 1827	1	—	10
British Bechuanaland	See Bechuanaland.				
British Central Africa Protectorate	See Nyasaland Protectorate				
British Central Africa	Administration by British South Africa Company of portion of British Sphere north of Zambesi	Feb., Apr., 1891 24 Nov., 1894	35 36	— —	277 280
	See a'so Nyasaland Protectorate.				
British East Africa	See East Africa Protectorate. Somaliland Protectorate. Uganda Protectorate. Witu. Zanzibar Protectorate.				
British East Africa Company	See East Africa Protectorate.				
British Protectorates	See Protectorates.				
British South Africa	See Basutoland. Bechuanaland. Cape Colony. Natal. Orange River Colony. Rhodesia. Swaziland. Transvaal.				
British South Africa Company	Royal Charter	29 Oct., 1889	34	—	271
,, ,,	Operations north of the Zambesi	Feb., 1891	35	—	277
,, ,,	Administration. British Central Africa	24 Nov., 1894	36	—	280

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
British South Africa Company	Conditional confirmation of Treaties ..... See also Rhodesia.	24 Nov., 1894	36	5	281
British Spheres of Influence	East Coast of Africa. Notes. See also Protectorates, Separate Countries, and Spheres of Influence.	1887—1891	62	—	336
British West Africa	See Gambia. Gold Coast. Nigeria. Sierra Leone.				
Broussa.....	(Gold Coast.) British Possession.....	26 June, 1891	232	—	744
Brussels Act*....	African Slave Trade	2 July, 1890	130	—	488
,, ...	Central Office	2 July, 1890	130	82	513
,, ...	French exception to certain Articles.....	2 Jan., 1892	133	—	524
,, ...	Application of, to certain French Possessions	2 Jan., 1892	133	—	524
,, ...	Ratifications. Various Powers	2 July, 1891	132	—	520
,, ...	,, ,, ,,	2 Jan., 1892	133	—	523
,, ...	,, United States	2 Feb., 1892	134	—	526
,, ...	,, Portugal	30 Mar., 1892	135	—	528
,, ...	Accession. Ethiopia.....	16 Sept., 1890	130	Note	488
,, ...	,, Liberia	7—25 Aug., 1892	130	Note	488
,, ...	,, Orange Free State	10 Feb., 1896	130	Note	488
,, ...	,, Persia.....	3 July, 1890	130	Note	488
,, ...	,, Oppia	22 Nov., 1894	—	Note	1125
,, ...	,, Migertini	16 Nov., 1894 7 April, 1895	—	Note	1119
Buem	(Gold Coast.) Fealty to British Crown	3 July, 1888	3	—	72
Buffalo River....	See Transvaal.				
Bulama Island	Cession to Great Britain	3 Aug., 1792	2	6	36
,, ...	,, ,, ...	24 June, 1827	2	5, 6	36
,, ...	Dispute. Great Britain and Portugal referred to Arbitration	13 Jan., 1869	299	—	985
,, ...	Awarded to Portugal	21 April, 1870	300	—	988
,, ...	Portuguese occupation	1 Oct., 1870	301	—	990
Bulhar	Free Port	7 Sept., 1877	178	1	615
Bullom	And Shebar (Sierra Leone). British Sovereign rights ..... See also Kafu Bulloms and North Bulloms	18 Nov., 1882	2	—	51
Bunder Ziadeh	To Ras Jiburti. Somali Coast. British Protectorate	20 July, 1887	93	—	410
,, ,,	French Recognition. Do.....	2—9 Feb., 1888	225	—	726
,, ,,	Geographical Position of	19 Mar., 1907	295	6	962
Burruwa.....	See Barruwa.				
Busi River	Transit. Persons and Goods	11 June, 1891	310	12	1022

* Came into force 2nd April, 1892.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Busoga	See Usoga.				
Buvuma	Included in Uganda	10 Mar., 1900	89	1	397
Cabinda	Portuguese Claim. Boundary. Congo and Portugal	28 July, 1817	293	—	985
,, ...	,, ,,	14 Feb., 1885	169	3	591
,, ...	,, ,,	25 May, 1891	171	2	594
Cabinda Bay	Congo. Limits	1 Aug., 1885	145	—	552
Cabo Lombo	Portuguese Boundary. Congo State	14 Feb., 1885	169	—	591
,, ...	Congo. Limits	1 Aug., 1885	145	—	552
Cabompo River	British and Portuguese Spheres	May—June, 1893	311	5	1028
Cajet River.....	Guinea Coast. Frontier. French and Portuguese Possessions	12 May, 1886	208	1	674
Calabar (Old and New)	See Niger Coast Protectorate.				
Cameroons.....	German Protectorate	12 July, 1884	212	—	693
,, ...	,, ,, ...	15 Oct., 1884	212	—	693
,, ...	British and German Spheres	April—June, 1885	260	—	868
,, ...	,, ,, ...	July—Aug. 1886	263	—	880
,, ...	Anglo-German Boundary	14 Apr., 1893	273	—	910
,, ...	,, ,,	15 Nov., 1893	275	—	913
,, ...	,, ,,	19 Mar., 1906	284	—	937
,, ...	,, ,,	16 July, 1906	284	—	941
,, ...	Franco-German Boundary	24 Dec., 1885	195	—	653
,, ...	,, ,,	4 Feb., 1894	198	—	657
,, ...	,, ,,	18 Apr., 1903	379	—	1215
Campo River	Boundary. France and Germany	24 Dec., 1885	195	1	653
Canama (or Kunama)	Tribe. To Eritrea. Abyssinian Frontier.....	22 Nov., 1901	291	—	952
,, ...	,, ,, ...	15 May, 1902	100	—	433
Cape Awad.....	See Ras Auad.				
Cape Bellone	(Madagascar) to River Azaphe, French Occupation	4 Nov., 1818	202	—	664
Cape Blanco	To Cape Bojador. Spanish Protectorate.....	9 Jan. 1885	358	—	1163
,,	France and Spain. Delimitation. Possessions	27 June, 1900	359	1	1165
Cape Bojador	See Cape Blanco.				
Cape Colony	Cession by Holland to Great Britain	13 Aug., 1814	297	—	976
,, ...	Eastern Boundary	10 May, 1835	19	—	163
,, ...	,, ,, ...	16 June, 1835	19	—	163
,, ...	Annexation of Congo, Gaika, and T'Slambie Territories	17 Sept., 1835	19	—	163
,, ...	North-Eastern Boundary	14 Oct., 1825	19	—	164
,, ...	Renunciation of British Authority over ditto, ditto	5 Dec., 1836	19	—	164
,, ...	New Boundaries.....	5 Dec., 1836	19	—	164

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Cape Colony	Boundaries of Amaponda (Pondoland)	7 Oct.—23 Nov., 1844	19	—	166
„	Treaties. Kafir Chiefs	2—30 Jan., 1845	19	—	164
„	Ichaboe and Penguin Islands	1861—1886	19	—	165
„	Incorporation of British Kaffraria with Cape Colony	27 Mar., 1865	19	—	164
„	Fingoland. Idutywa Reserve and Nomansland. Annexation to Cape Colony	12 June, 1876	19	—	164
„	Pondoland. Umzimkulu, and Umzimaribu Rivers. Cession to Cape Colony.....	17 July, 1878	19	—	167
„	„ St. John's River. Port and Tidal Estuary. Annexation to Cape Colony	4 Sept., 1878	19	—	167
„	„ „ „	22 July, 1884	19	—	170
„	„ British Protectorate over Coast	5 Jan., 1885	19	—	170
„	„ Xesibeland. Mt. Ayliff. Annexed to Cape Colony	23 Aug., 1886	19	—	170
		25 Oct., 1886	19	—	171
„	„ Rode Valley, St. John's River, Mt. Ayliff and Mt. Frere Districts. Cessions to Cape Colony	9 Dec., 1886	19	—	172
„	„ Road through Eastern Pondoland to Mouth of St. John's River	9 Dec., 1886	19	—	173
„	„ Rode Valley. Mt. Frere. Griqualand East. Annexation to Cape Colony.....	29 July, 1887	19	—	174
„	„ British Sovereignty. Pondoland	20 Mar., 1894	19	—	175
„	Bechuanaland. Incorporated with Cape Colony	16 Nov., 1895	19	—	179
	See also Basutoland.				
„	Transkei. Territories Annexed. Tembuland. Emigrant Tembuland. Galekaland. Bomvanaland	13 July, 1885	19	—	178
„	Notes on Cape Colony	1652—1908	19	—	163
Cape Delgado....	Germany and Portugal. Delimitation of Possessions	30 Aug., 1 Sept., 1894	217	—	706
	See also Delgado.				
Cape Frio	To Orange River. German Protectorate (except Walfisch Bay)	15 Oct., 1884	211	—	691
Cape Juby	Cession.....	19 April, 1879	—	—	537
„	Purchase by Morocco of N. W. Africa Co.'s Territory	13 Mar., 1895	296	—	970

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Cape Roxo	Guinea Coast Frontier, French and Portuguese Possessions	12 May, 1886	208	1	674
Cape Spartel	Lighthouse	31 May, 1865	356	—	1150
Carora, River....	Frontier. Soudan and Eritrea	7 Dec., 1898	340	—	1111
,, ...	,, ,,	19 Jan., 1904	345	—	1118
Cartabar	(Gambia). Cession of Territory	23 Apr., 1841	1	—	13
Cassala	See Kassala.				
Catack Island....	Guinea Coast. Portuguese	12 May, 1886	208	1	674
Catima Rapids	See Katima.				
Cavalla	Submission to Liberia	10 Nov., 1893	351	—	1136
Cavally River....	To San Pedro River. Liberian Claim	1891—1892	233 351	— —	745 1133
,, ...	Boundary. France and Liberia	8 Dec., 1892	351	1	1134
,, ...	Free Navigation to both Countries	8 Dec., 1892	351	2	1134
,, ...	Liberian Sovereignty. West of Grain Coast	8 Dec., 1892	351	3	1135
,, ...	To Lahou. French Sovereignty and Protection	1891—1892	233	—	745
,, ...	Boundary. France and Liberia	18 Sept., 1907	353	1	1140
,, ...	Free Navigation to both Countries	18 Sept., 1907	353	3	1141
Ceded Mile	(Gambia.) See Gambia.				
Central Angoniland	Mining Rights	24 Nov., 1894	36	6	281
Central Kiang	(Gambia.) British Sovereignty	19 Sept., 1887	1	—	19
,,	(Batelling). Sovereignty....	14 Oct., 1888	1	—	19
Cerfimo	See Corteemo.				
Ceuta	Limits	7 Oct., 1844	362	—	1170
,, ...	,, Extended	26 April, 1860	365	2	1173
,, ...	Frontier. Larache	6 May, 1845	363	1	1171
,, ...	Neutral Ground ..... See also Morocco.	26 April, 1860	365	3, 6	1174
Chad, Lake.....	And River Benue. Transit Dues. Treaties	1 July, 1890	270	5	903
,, ...	(Barruwa). French Influence	5 Aug., 1890	229	2	739
,, ...	Great Britain and Germany Boundary	15 Nov., 1893	275	2	913
,, ...	France and Germany. German Limits	4 Feb., 1894	198	—	657
,, ...	Great Britain and France. Frontier. Niger to Lake Chad	14 June, 1898	241	4	787
,, ...	,, ,, ...	8 Apr., 1904	251	8	818
,, ...	,, ,, ...	29 May, 1906	256	1	845
,, ...	,, ,, Islands. Free Navigation of Lake	29 May, 1906	256	2	845
,, ...	Great Britain and Germany. Boundary. Yola to Lake Chad	19 Mar. 16 July	284	—	937 941

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Chad, Lake	France and Germany. Fishing and Navigation	18 Apr., 1903	379	4	1219
Chad	Territory included in French Congo	29 Dec., 1903	190	4	642
Chagga	Treaties. German East Africa Company	May, July, 1885	210	—	685
,,	British and German Spheres	Oct.—Nov., 1886	264	3	883 886
,,	,, ,,	3, 4 Dec., 1886	41	3	305 307
,,	,, ,,	1 July, 1890	270	1	899
	See also Kilimanjaro Districts.				
Chah	(Sherbro). Cession of portion to Great Britain	9 Nov., 1861	2	—	43
Chaki Chaki	See Pemba Island.				
Chakosi	See Yendi.				
Chama	See Gold Coast (Notes).				
Chamba Point	Guinea Coast	12 May, 1886	208	3	675
Chari, River	See Shari.				
Charters	German Colonization Society	27 Feb., 1885	209	—	681
,,	National African Company	10 July, 1886	10	—	125
,,	Royal Niger Company	10 July, 1886	10	—	125
,,	Imperial British East Africa Company	3 Sept., 1888	64	—	345
,,	British South Africa Company	29 Oct., 1889	34	—	271
Chiloango	Boundary. France and Congo	5 Feb., 1885	152	3	564
,,	,, Congo	1 Aug., 1885	145	—	552
,,	,, France and Portugal	12 May, 1886	208	3	675
Chilwa Lake	British and Portuguese Limits	11 June, 1891 / May—June, 1893	310 / 311	1, § 2 / 1	1017 / 1027
Chindé	Mouth. Lease of Land to a British Company	20 Aug., 1890	308	13	1012
,,	,, Annex to Treaty of	11 June, 1891	310	—	1025
,,	,, Lease	7 May, 1892	—	—	1026
,,	,, Extension of Concession	12 Sept. 27 Dec., 1898	—	—	1026
Chipole	Rhoades Bay. Lake Nyasa. British Lease of Land to Portugal in lieu of land at Leopard Bay	12 Jan., 1901	321	—	1071
Chisamulu Island	Lake Nyasa. British	May—June, 1893	311	4	1028
Chiuta Lake	British and Portuguese Spheres	11 June, 1891	310	1	1017
Chobé	River. British and German Spheres	1 July, 1890	270	3, § 2	902
Coasting Trade	Zambesi River	11 June, 1891	310	13	1022
Coba	German recognition. French rights	24 Dec., 1885	195	3	655
Combo	(Gambia). Cession to Great Britain	13 July, 1840	1	—	12
,,	,, ,, ,,	26 Dec., 1850	1	—	16
,,	,, British Combo	24 May, 1853	1	—	17

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Combo	(Gambia). Annexation Foreign Combo	April, 1894	1	—	20
Comoro	(Grand Comoro). French Protectorate	26 June, 1886	193	—	647
,, ...	,, Application of "Brussels Act" to .... See also Johanna. Mohilla. France.	2 Jan., 1892	133	—	525
Congo	"International Association." Name changed to "Independent State of the Congo" See also Congo Free State.	—	Note	—	543
Congo Basin	Freedom of Trade. Berlin Act	26 Feb., 1885	128	1	471
,, ...	Neutrality of Territories and Territorial Waters. "Berlin Act."	26 Feb., 1885	128	10—12	474
,, ...	International Navigation Commission	26 Feb., 1885	128	8 17	474 478
,, ...	Settlement of disputes arising in	26 Feb., 1885	123	12	475
,, ...	Free Navigation during War	26 Feb., 1885	128	25	481
,, ...	Districts mentioned in Charter of German Colonisation Society included in	6 Mar., 1885	—	—	682
,, ...	British and German Spheres	1 July, 1890	270	1, § 2	900
,, ...	Tariff. Eastern Zone	22 Dec., 1890	131	—	518
,, ...	,, Zanzibar	22 June, 1892	46	—	312
,, ...	Notes. Great Britain, Germany and Italy	$\frac{13}{24}$ Sept., 1901	131	Note	520
Congo, Belgian	And Austria. Recognition of Association	24 Dec., 1884	138	5	543
,,	And Belgian Expedition. Treaties	1882—1884	—	—	553
,,	And Belgium. Recognition of Association	23 Feb., 1885	139	—	545
,,	Accession. "Berlin Act"	26 Feb., 1885	143	—	550
,,	Notification. Formation of Independent State and assumption of Title of Sovereign by King Leopold	1 Aug., 1885	144	—	551
,,	Neutrality Limits	1 Aug., 1885	145	—	552
,,	Will of King Leopold. Sovereign rights to Belgium over Congo State	2 Aug., 1889	147	—	556
,,	Administrative Districts	1 Aug., 1888	146	—	554
,,	,, Eastern Kwango	10 June, 1890	148	—	557

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Congo, Belgian	And Belgium. Belgian Loan to Congo. Eventual Annexation of State to Belgium	3 July, 1890	140	--	545
,,	Declaration. Neutrality. Congo State. Limits.	28 Dec., 1894	149	—	557
,,	And Belgium. Cession of Congo Free State to Belgium	9 Jan., 1895*	141	—	546
,,	,, ,, ,,	28 Nov., 1907	142	—	548
,,	Law (Belgian). Approving Treaty of Cession of Congo State	18 Oct., 1908	—	Note	548
,,	Ditto. Government of Belgian Congo	18 Oct., 1908	—	Note	548
,,	Arrêté. Fixing date for assumption by Belgium of Sovereign rights over Congo†	4 Nov., 1908	—	Note	549
,,	And Denmark. Recognition of Association	23 Feb., 1885	150	1	561
,,	And France. French right of Pre-emption. Notes	April—May, 1884	151	—	562
,,	,, ,, ,,	April, 1887	155	—	567
,,	,, Recognition of Association, Boundaries, &c.	5 Feb., 1885	152	—	564
,,	,, Private Stations and Properties	5 Feb., 1885	153	—	565
,,	,, France. Manyanga Region	22 Nov., 1885	154	—	566
,,	,, Oubangi Region	29 April, 1887	156	—	568
,,	,, Boundaries	14 Aug., 1894	157	—	569
,,	,, Arrangement. France and Belgium. French right of Pre-emption.	5 Feb., 1895‡	158	—	570
,,	,, Declaration. France and Belgium. Limits. Possessions. Stanley Pool.	5 Feb., 1895‡	159	—	571
,,	,, Agreements. France and Belgium. Renewal of Agreements of 1895	23 Dec., 1903	382	—	1226
,,	And Germany. Recognition of Association	8 Nov., 1884	160	5	573
,,	And Great Britain. Recognition of Association	16 Dec., 1884	161	—	574
,,	,, Consular Jurisdiction, &c.	16 Dec., 1884	162	5—10	576
,,	,, ,, Spheres of Influence. Territories leased, Nile and Congo Watersheds. Boundaries	12 May, 1894	163	—	578
,,	,, Art. 3. Ditto. Withdrawn	22 June, 1894	164	—	584

* This Treaty was withdrawn. † The date fixed was the 15th November, 1908.
‡ The Treaty of 1895 for the Cession of the Congo State to Belgium was withdrawn, but a fresh Treaty was concluded on November 28, 1907.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Congo, Belgian	And Great Britain. Modification. Agreement of 1894. Lado Enclave Boundary, Congo State and Soudan, &c.	9 May, 1906	165	—	584
,,	And Italy. Recognition of Association	19 Dec., 1884	166	12	588
,,	And Liberia. Commercial Intercourse, &c.	15 Dec., 1891	167	—	588
,,	And Netherlands. Recognition of Association	27 Dec., 1884	168	—	590
,,	And Portugal. Ditto	14 Feb., 1885	169	—	591
,,	,, Tariff. Congo Basin	9 Feb., 1891	—	Note	596
,,	,, Ditto ditto	8 April, 1892	—	Note	596
,,	,, Spheres of Influence. Lunda Region	25 May, 1891	170	—	592
,,	,, Boundaries. Lower Congo	25 May, 1891	171	—	594
,,	,, Ditto. Lunda Region	24 Mar., 1894	172	—	596
,,	And Russia. Recognition of Association	5 Feb., 1885	173	6	599
,,	And Spain. Ditto	7 Jan., 1885	174	12	600
,,	And Sweden and Norway. Ditto	10 Feb., 1885	175	—	601
,,	And United States. Ditto	22 April, 1884	176	—	602
Congo Free State	See Congo, Belgian.				
Congo, French	Franco-German Boundaries	4 Feb., 1894	198	—	657
,,	Organization. Colony	29 Dec., 1903	190	—	642
,,	Franco-German Boundary	18 April, 1908	379	—	1215
Congo (Kaffraria)	See Kaffraria.				
Congo Region	French and Portuguese Limits	12 May, 1886	208	3	675
,,	British and German Spheres	1 July, 1890	270	1	900 901
,,	,, Transit Dues. Lake Nyasa	1 July, 1890	270	8	904
Congo River	Portuguese Sovereignty (Not ratified).	26 Feb., 1884	307	—	1004
,,	Free Navigation	26 Feb., 1885	128	2 4 13—25	472 472 475
,,	And Nile watershed. British and French Spheres of Influence, Central Africa and Soudan	21 Mar., 1899	244	—	796
,,	Free Navigation. French and German Territories (French Congo and Cameroons)	18 April, 1908	379	2	1218
Congo Watershed	Sphere of Influence. Congo State	12 May, 1894	163	1A	578
,,	British and French Spheres of Influence. Central Africa and Soudan	21 Mar., 1899	244	—	796

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Consular Jurisdiction	(British). In Tunis abolished	31 Dec., 1883	—	Note	1190
,,	Ditto. Congo	16 Dec., 1884	162	5—10	576
,,	Ditto. Massowah. Abolition	17 Aug., 1888	287	—	947
,,	(Italian). In Shoa	21 May, 1883	113	12, 13	449
,,	(Ditto). In Ethiopia	1 Oct., 1889	121	9	457
,,	In Tripoli	24 Feb., 1873	—	Note	1196
,,	In Zanzibar. See Zanzibar. See also Congo and Separate States.				
Conta	(Sierra Leone). Cession to Great Britain	18 April, 1826	2	—	34
Contraband of War	See Arms and Ammunition.				
Coral Fishery	See Tabarque.				
Corisco Bay and Island	Spanish Claim to Territory	—	357	—	1163
,,	French right of Pre-emption	27 June, 1900	359	7	1166
Corteemo (or Certimo) Island	(Sierra Leone)	29 Nov., 1847 10 June, 1876	2 2	15 1	37 48
	See also Sierra Leone.				
Crepee	(Peki). Gold Coast. Fealty to British Crown	17 June, 1858	3	—	64
,,	Incorporation with Gold Coast Colony	Oct.–Nov., 1886	3	—	70
,,	To keep roads open	3 July, 1888	3	—	72
,,	In British Sphere. See also Volta.	Dec., 1887	268	—	890
Criby	(Batanga). German Protectorate	15 Oct., 1884	212	—	693
Cross River	British. See Nigeria.				
,,	Boundary. Great Britain and Germany. Gulf of Guinea	April—June, 1885	260	—	868
,,	,, ,,	July—Aug., 1886	263	—	880
,,	,, ,,	1 July, 1890	270	4	903
,,	,, ,,	15 Nov., 1893	275	1	913
Cuango	See Kwango.				
Culacalla River	Congo. Limits	1 Aug., 1885	145	—	552
Cunene River	See Kunene.				
Customs Dues	Sherbró and Mendi. British right to	$\frac{21}{30}$ Dec., 1875	2	—	47
,,	Wanga to Kipini	24 May, 1887	63	9	343
,,	,, ,,	9 Oct., 1888	65	—	350
,,	,, ,,	5 Mar., 1891	70	—	365
,,	,, ,,	21 Dec., 1889	67	—	361
,,	Kipini to Mruti	31 Aug., 1889	66	—	359
,,	,, Lamu	4 Mar., 1890	68	3	362
,,	,, ,, ,,	31 Aug., 1889	66	—	359
,,	Benadir Ports. Brava, &c. See also Dar-es-Salaam and Pangani.	31 Aug., 1889	66	—	360
Customs Union	South Africa	$\frac{28 \text{ Mar.}}{5 \text{ Apr.}}$, 1889	27	—	216
,,	Gold Coast and Togoland	24 Feb., 1894	—	Note	915
Dafur	Egyptian Province	13 Feb., 1841	178	—	614
,,	Excluded from German Influence	15 Nov., 1893	275	4	914
,,	British and French Spheres of Influence. Central Africa and Soudan	21 Mar., 1899	244	—	796

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Dahomey	Notes on Dahomey, &c.	1847—1904	194	—	647
,, ...	And Great Britain	8 Mar., 1847	194	—	648
,, ...	Cession to France. Kotonou.....	1864—1868	194	—	647
,, ...	,, ,,	19 Apr., 1878	194	—	647
,, ...	And Portugal. Protectorate. Coast	5 Aug., 1885	194	—	650
,, ...	,, ,,	21 Jan., 1886	194	—	650
,, ...	,, Protectorate withdrawn	22 Dec., 1887	194	—	650
,, ...	French Protectorate. Porto Novo	3 Oct., 1890	194	—	650
,, ...	,, ,, Dahomey	3 Dec., 1892	194	—	651
,, ...	Submission to France	5 Jan., 1894	194	—	652
,, ...	King of Abomey. French Protection	29 Jan., 1894	194	—	652
,, ...	King of Allada. Ditto	4 Feb., 1894	194	—	652
,, ...	French Colony	22 June, 1894	194	—	652
,, ...	Included in French West Africa	18 Oct., 1904	194	—	652
,, ...	France and Germany. Boundary. Dahomey and Togoland	23 July, 1897	199	—	661
,, ...	Great Britain and France. Delimitation. Territories. West of Lower Niger.....	15 Jan., 1896	238	—	765
,, ...	,, Report. Boundary. Lagos and Dahomey	12 Oct., 1896	240	—	780
,, ...	,, Boundary. Coast to the Niger	14 June, 1898	241	2	786
,, ...	,, Borgu Boundary. Southern Nigeria and Dahomey	22 Dec., 1900	245	—	797
,, ...	,, Frontier. Gulf of Guinea to Niger ..... See also French West Africa.	19 Oct., 1906	258	—	849
Dakka River	Boundary. Great Britain and Germany	1 July, 1890	270	4, § 1	903
,, ...	,, ,,	26 Sept. / 2 Dec., 1901	280	1	927
,, ...	,, ,,	25 June, 1904	283	—	935
Dallul Mauri	British and French Frontier on and East of the Niger	14 June, 1898	241	3, 4	787
,, ...	,, ,,	8 Apr., 1904	251	8	818
,, ...	,, ,,	29 May, 1906	256	1	843
Damaraland	German Protectorate	16 Aug., 1884	211	—	691
,, ...	,, Hereros	21 Oct., 1885	211	—	692
,, ...	,, British and German Spheres	1 July, 1890	270	3	902
Danakils	Cession to France. Obock, &c. ..... See also Obock. Tajourah.	11 Mar., 1862	181	2	628
,, ...	Cession of Territory to Italy	15 May, 1880	107, 108	—	446
,, ...	Italian Protectorate. Coast	15 Mar., 1883	112	8	447 448
,, ...	,, ,, ,, ...	9 Dec., 1888	119	2	453

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Danakils	Italian Sovereignty. Ras Amphila to Ras Dumeira	9 Dec., 1888	119	3	453
,, ...	Italian Protectorate, (Aussa)	6 Dec., 1889	123	—	453
,, ...	Protocols. France and Italy. Delimitation	24 Jan., 1900 10 July, 1901	200 201	— —	663 664
,, ...	Declaration. Great Britain, France and Italy	13 Dec., 1906	102	—	444
,, ...	Convention. Italy and Ethiopia. Frontier. Southern Eritrea (Danakil Coast)	16 May, 1908	381	—	1225
	See also Abyssinia, Assab, Aussa.				
Dar-es-Salaam	Zanzibar Possession	9 June, 1886	261	4	875
,,	Customs Leased to German African Company	Oct.—Nov., 1886	264	2	883—885
,,	,, ,, ...	3, 4 Dec., 1886	41	2	305
,,	German Possession	27, 28 Oct., 1890	271	—	907
Darfur	See Dafûr.				
Darmi	British and Italian Spheres	5 May, 1894	290	—	951
Dauphin	Fort (Madagascar). French Occupation.	1 Aug., 1819	202	—	664
Dchawe River	Boundary. Great Britain and Germany	1 July, 1890	270	4, § 1	903
Debra Bizen	Convent. Ethiopia	2 May, 1889	120	4	454
Deine	River. Anglo-German Boundary. Gold Coast	1 July, 1890	270	4, § 1	903
Dekala	British and French Frontier. Lagos and Dahomey.	14 June, 1898	241	2	786
,, ...	,, ,,	22 Dec., 1900	245	—	798
,, ...	,, ,,	19 Oct., 1906	258	45, 46	857
Dekami	(Lagos). Part of Frah	23 July, 1886	5	—	104
Delagoa Bay	Portuguese Jurisdiction	28 July, 1817	298	2	985
,, ...	Dispute. Great Britain and Portugal. Reference to Arbitration. Elephant and Inyack Islands.....	25 Sept., 1872	302	—	991
,, ...	British Case (Extracts).....	Sept., 1873	303	—	991
,, ...	Non-cession. British or Portuguese Sovereign Rights. Disputed Territory	June, 1875	304	—	993
,, ...	Award. France. Dispute. Great Britain and Portugal	24 July, 1875	305	—	996
,, ...	And Natal. Coast between. Non-acquisition by Germany	April—May, 1885	260	—	869 870

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Delagoa Bay	Portuguese Sphere. Extension south of ..... See also Lorenço Marques.	11 June, 1891	310	3	1018
Delgado, Cape	To Bay of Lorenço Marquez. Portuguese	28 July, 1817	298	2	985
,,	Possessions. Germany and Portugal ..... See also Delagoa Bay.	20 Aug. / 1 Sept., 1894	217	—	706
Denham Waters	(Lagos) Kingdom of Frah	23 July, 1886	5	—	105
Denmark	Cession to Great Britain. Possessions. Gold Coast	17 Aug., 1850	177	—	603
,, ...	And Congo. Recognition of Association	23 Feb., 1885	150	1	561
,, ...	Accession. Liquor Traffic Convention	8 June, 1899	136	Note	529
Dikomo Island	See Lukomo.				
Diego Suarez....	Madagascar. French occupation	17 Dec., 1885	205	15	671
Dixcove	See Gold Coast. (Notes.)				
Djaliba	Or Niger. See Nigeria.				
Djibouti	See Jibuti.				
East Africa Protectorate	Notes on the British East Africa Protectorate	1887—1908	62	—	336
,, ,,	Agreement. Great Britain and Germany. Spheres of Influence	Oct.—Nov., 1886	264	—	882
,, ,,	,, ,, ,,	1 July, 1890	270	—	899
,, ,,	Notes. On Boundaries of British Sphere of Influence on East Coast of Africa.....	1887—1891	62	—	336
,, ,,	Concession. Sultan of Zanzibar to British East Africa Association. Mrima. Wanga to Kipini. (See also Concession, 9th October, 1888)	24 May, 1887	63	—	339
,, ,,	Royal Charter. British East Africa Company	3 Sept., 1888	64	—	345
,, ,,	Treaties. British East Africa Company and Native Chiefs, referred to in Charter	June, 1887	74	—	374
,, ,,	Concession. Sultan of Zanzibar to British East Africa Company. Extension of Privileges. Mrima. Wanga to Kipini and Islands. (See also Concession, 4th March, 1890)	9 Oct., 1888	65	—	350
,, ,,	Agreement. British East Africa Company and Italy. Concession of Kismayu, Brava, Meurka, Magadisho,				

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
	and Warsheikh to be made by Company to Italy when conceded by Zanzibar to Company	3 Aug., 1889	331	—	1088
East Africa Protectorate	Agreement. Great Britain and Zanzibar. Administration of Territory on Mainland and Islands	31 Aug., 1889	66	—	359
„ „	Deed. Transfer by British East Africa Company to Italy of Company's Rights over Brava, Meurka, Magadisho, and Warsheikh. Joint Occupation of Kismayu.....	18 Nov., 1889	332	—	1091
„ „	Consent of Sultan of Zanzibar to ditto	5 Mar., 1890	68	—	363
„ „	Notification of Transfer	8 Apr., 1890	333	—	1094
„ „	Agreement. British East Africa Company and Zanzibar. Customs Revenues. Wanga to Kipini	21 Dec., 1889	67	—	361
„ „	Concession. Sultan of Zanzibar to British East Africa Company. Kipini to Mruti. Lamu. Manda. Patta. Kwyho. Benadir Ports : — Kismayu, Brava, Meurka, Magadisho, and Warsheikh. (Amended by Agreement of 5th March, 1891)	4 Mar., 1890	68	—	362
„ „	Notification. British Protectorate over Witu, &c., and Coast from Kipini to Kismayu	19 Nov., 1890	69	—	364
„ „	Suppl. Agreement. Modification by Sultan of Zanzibar of Concession to British East Africa Company of 4th March, 1890. Wanga to Kipini; Lamu, Manda, Patta, and Kismayu conceded to Company "in perpetuity." Benadir Ports : —Brava, Meurka, Magadisho, Warsheikh, and Mruti undisturbed	5 Mar., 1891	70	—	365
„ „	Administration by British East Africa Company of Witu	5 Mar., 1891	71	—	367

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
East Africa Protectorate	Agreement. British East Africa Company and Witu	18 Mar., 1891	72	—	370
„ „	Notification ditto and Coast. Kipini to Kismayu	20 Mar., 1891	73	—	372
„ „	Protocol. Great Britain and Italy. Spheres of Influence. River Juba to Blue Nile	24 Mar., 1891	288	—	948
„ „	List of Treaties. British East Africa Company and Native Chiefs	1887—1891	74	—	374
„ „	Concession. Zanzibar to Italy. Benadir Ports	12 Aug., 1892	334	—	1094
„ „	Protocols. Anglo-German Boundary. Coast to Lake Jipe	27 Oct. 24 Dec., 1892	272	—	909
„ „	Agreement. Anglo-German Boundary. Umba River to Lake Jipe and Kilimanjaro	25 July, 1893	274	—	911
„ „	Proclamation. Administration by Zanzibar of Protectorate North of the Tana, with exceptions	31 July, 1893	75	—	379
„ „	British Protectorate. Late Possessions of British East Africa Company	15 June, 1895	76	—	380
„ „	Territory transferred. British Flag hoisted	1 July, 1895	76	—	381
„ „	Agreement. British Administration of Zanzibar Mainland Territories	14 Dec., 1895	77	—	382
„ „	Notification. East Africa Protectorate	31 Aug., 1896	78	—	383
„ „	British Protection. Ogaden tribe	1 Sept., 1896	83	—	387
„ „	Boundary. Sultan of Zanzibar's Mainland Territories and remainder of East Africa Protectorate	13 July, 1899	79	—	383
„ „	Anglo-German Boundary. Jassin and Umba Valley	Jan. April, 1900	278	—	921
„ „	Protectorate in Alcoholic Liquor Zone	24 Jan., 1902	62	—	337
„ „	Kisumu and Naivasha Provinces	5 Mar., 1902	80	—	385
„ „	East Africa Protectorate Limits	11 Aug., 1902	81	2	386
„ „	Great Britain and Italy. Observance of Protocol of March 24, 1891. Boundary of Abyssinia	21 Jan. 9 Feb., 1903	292	—	953
„ „	Waters and Islands of part of Victoria Nyanza	15 July, 1904	82	—	386

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
East Africa Protectorate	Lease to Italy of Land at Kismayu	13 Jan., 1905	294	—	958
„ „	Anglo-German Boundary. East and West of Lake Victoria	18 July, 1906	285	—	942
„ „	Administration of Protectorate	22 Oct., 1906	62	—	338
„ „	Frontier with Abyssinia	6 Dec., 1907	103	—	445
	See also Uganda.				
East Atlantic Ocean	British, French and Spanish Interests. Part of Atlantic Ocean washing shores of Europe and Africa	16 May, 1907	375	—	1211
			376	—	1212
East Equatorial Africa	Anglo-German Boundary.	27 Oct. / 24 Dec., 1892	272	—	909
„ „	„ „ „	25 July, 1893	274	—	911
„ „	„ „ „	18 July, 1906	285	—	942
„ „	Provinces. Great Britain and Belgium (Congo)	12 May, 1894	163	—	578
„ „	See also Dafûr, Kalabat and Kordofan.				
Eastern Kwango	District. Congo	10 June, 1890	148	—	557
	See also Lundi.				
Eastern Soudan	See Soudan.				
Ebony Mines	South-West Africa. British Rights	15 July, 1886	262	1	877
Eesa Somalis	See Issa Somalis.				
Efat	See Abyssinia, &c.				
Egbas	French Trade with	10 Aug., 1889	226	4, § 2	732
Egypt	Notes on Boundaries	1840—1908	178	—	614
„	Non-cession. Somali Territory, &c.	7 Sept., 1877	178	2	615
„	Noncession of Rights, &c.	2 Aug., 1879	178	—	616
„	Confines, to River Juba. British and German Spheres	1 July, 1890	270	1, § 2	901
„	Rights reserved. Kassala, &c.	15 April, 1891	289	2	949
„	Claims. Basin of Upper Nile	12 May, 1894	163	—	580
„	And Italy. Frontier. Baraka to Red Sea	25 June / 7 July, 1895	338	—	1108
„	And Turkey. Administrative Dividing-Line. Sinai Peninsula	1 Oct., 1906	373	—	1201
„	Great Britain and Congo. Egyptian vessels on Upper Nile. Transit of goods through Egyptian territory, &c.	9 May, 1906	165	6, 7	586
„	Great Britain and Ethiopia. Treaty	3 June, 1884	98	—	422
„	Great Britain and France. British action in Egypt	8 April, 1904	252	—	820
	See also Bahr-el-Ghazal, Dafûr, Italy, Kordofan, Soudan.				

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
El-Arish	Sinai Peninsula. Line of demarcation. Turkey and Egypt	$\frac{14}{15}$ May, 1906	372	—	1199
El Dabaïna	Bedouins. Eastern Soudan	30 Nov., 1881	178	—	616
Elephant Island	See Delagoa Bay.				
Elmina	Ashantee Renunciation.....	13—14 Feb., 1874	3	4	66
Elobey	(Corisco Bay). Spanish claim	—	357	—	1163
„	French right of Pre-emption	27 June, 1900	359	7	1166
Emigrant Tembuland	(Transkei). See Cape Colony.				
Epé	(Lagos). Terms of Peace	Mar., 1863	5	—	95
Eritrea	Anglo-Italian Spheres of Influence. Ras Kasar to Blue Nile	15 April, 1891	289	—	949
„	Frontier. Eritrea and Anglo-Egyptian Soudan. Red Sea to Baraka	7 Dec., 1898	340	—	1110
„	„ Ditto. Baraka to Sabderat	1 June, 1899	342	—	1113
„	„ Ditto. Sabderat to Todluc	16 April, 1901	343	—	1115
„	„ Ditto. Declaration. Great Britain and Italy. Abu Gamal to the Setit	22 Nov., 1901	291	—	952
„	„ Ditto. Treaty. Great Britain, Italy and Abyssinia	15 May, 1902	100	—	433
„	„ Ditto. Description. Abu Gamal to the Setit	18 Feb., 1903	344	—	1117
„	„ Ditto. River Carora	19 Jan., 1904	345	—	1118
„	„ Ditto. Boundary Marks. Jebel Injaha and Ras Casar.....	$\frac{18}{19}$ Dec., 1907	377	—	1213
„	„ Eritrea and Abyssinia. Treaty. Italy and Abyssinia	26 Oct., 1896	124	4	458
„	„ Ditto.	10 July, 1900	125	—	460
„	„ Ditto. (Danakalia) Convention. Italy and Ethiopia	16 May, 1908	381	—	1225
Ethiopia	See Abyssinia.				
Factories	In Africa. Restored to France	30 May, 1814	219	8	714
Falabah	British Possession. North of Sierra Leone	10 Aug., 1889	226	2	730
„	And Kambia. English Road	10 Aug., 1889	226	Annex 1	733
Fantee Chiefs	British Jurisdiction	6 Mar., 1844	3	—	66
Fashoda	Territories leased by Great Britain to Congo State	12 May, 1894	163	2	579
Fatiko	Headstream of the Niger	26 June, 1891	232	—	744
Fattatenda (Wooli)	Cession to Great Britain	13 April, 1829	1	—	11

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Ferighna	(Sierra Leone). Cession to Great Britain	18 April, 1826	2	—	34
Fernando Po	Cession to Spain	1 Mar., 1778	368	13	1180
,,	,, ,,	24 Oct., 1778	368	—	1179
,,	British Recognition of Spanish Rights	28 Oct., 1830	368	—	1180
Fingoland	Annexation to Cape Colony See also Cape Colony.	12 June, 1876	19	—	164
Fire Arms	See Arms and Ammunition.				
Flag	Recognition. Congo Free State. See Congo, Belgian.				
,,	Territory leased by Great Britain to Congo State	12 May, 1894	163	2	579
,,	National Africa Company (Royal Niger Company)	10 July, 1886	10	11	126
,,	British East Africa Company	3 Sept., 1888	64	15	349
,,	British South Africa Company	29 Oct., 1889	34	19	275
,,	Fraudulent use of: "Brussels Act"	2 July, 1890	130	25 51	500 506
,,	Use of, and Supervision by Cruisers. "Brussels Act"	2 July, 1890	130	30—33 41	500 503
,,	Witu. British East Africa Company's Flag	5 Mar., 1891	71	7	368
,,	,, ,,	18 Mar., 1891	72	2	370
,,	,, ,, hoisted	April or May, 1892	—	Note	901
,,	,, British Protectorate Flag hoisted	31 Aug., 1893	—	Note	367
Fodedougou-Ba, River	Boundary. France and Liberia. Navigation	8 Dec., 1892	351	1, § 1	1134
,, ,,	Basin. French Possession	8 Dec., 1892	351	1, § 2	1134
Foga	Valley of. See Dallul-Mauri.				
Fogni	British. Non-cession to any Foreign Power.	15 Sept., 1887	1	—	19
Forcados	British lease to French of land at	20 May, 1903	249	—	814
Fort Charter	British Jurisdiction	27 June, 1891	22	—	193
Fort Dauphin	See Dauphin.				
Fort James (Gambia)	Fortified Port	—	1	—	7
,,	Guarantee to Great Britain	3 Sept., 1783	218	10	713
Fort Salisbury	British Jurisdiction	27 June, 1891	22	—	193
Fort Victoria	British Jurisdiction	27 June, 1891	22	—	192
Fouricaria	(Sierra Leone). Boundaries	2 Aug., 1851	2	—	39
Fouta-Djallon*	France and Portugal. Limits	12 May, 1886	208	2	674
,,	French Route. Mellicourie and French Soudan	10 Aug., 1889	226	Annex 1	733
,,	Trade. Open Roads, &c.	22 Jan., 1895	237	—	761

* Fouta-Djallon now forms part of French Guinea. See French West Africa.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Frah	Kingdom (Lagos)	23 July, 1886	5	—	104
France, Isle of	See Mauritius.				
France	Colonies, &c., restored	30 May, 1814	219	8	714
,, ...	And Abyssinia. Convention. Frontier. French Coastal Zone	20 Mar., 1897	95	—	421
,, ...	(East Africa). Treaties, &c.	1862—1885	181—188	—	628—633
,, ...	,, Treaty. Danakils. Cession of Obock to France	11 Mar., 1862	181	—	628
,, ...	,, French Notice. Limits of Obock	25 Dec., 1880	182	—	629
,, ...	,, Treaty. Gobad. Friendship, &c.	9 April, 1884	183	—	630
,, ...	,, Treaty. Tajourah. Cession of Tajourah to France. Gubbed-Kharab, &c.	21 Sept., 1884	184	—	630
,, ...	,, Act. Cession by Sultan of Tajourah to France of Gubbed-Kharab, Ras-Ali, and Sagallo	18 Oct., 1884	185	—	632
,, ...	,, Act. Cession by Sultan of Tajourah to France of Territory between Adaeli and Ambado	14 Dec., 1884	186	—	632
,, ...	,, Treaty. Gobad. Protection	2 Jan., 1885	187	—	633
,, ...	,, Treaty. Issa Somalis. Protection	26 Mar., 1885	188	—	633
,, ...	(West Africa). Treaties, &c.	1819—1890	189	—	634
,, ...	Notes on French Possessions in West Africa	1903—1904	190	—	642
,, ...	Algeria. Notes	1830—1890	191	—	643
,, ...	Ratification. "Brussels Act"	2 Jan., 1892	133	—	523
,, ...	And Belgium. See Belgium and France. France and Congo.				
,, ...	Comoro Islands. Convention Anjouan (Johanna) French Protectorate, &c.	21 April, 1886	192	—	646
,, ...	,, Ditto. Amendment	15 Oct., 1887	193	—	646
,, ...	,, French Protectorate, &c.	26 June, 1886	193	—	647
,, ...	And Congo. French Right of Pre-emption	April—May, 1884	151	—	562
,, ...	,, ,, ,,	April, 1887	155	—	567
,, ...	,, Recognition of Association. Boundaries, &c.	5 Feb., 1885	152	—	564
,, ...	,, Private Stations and Properties	5 Feb., 1885	153	—	565
,, ...	,, Manyanga Region	22 Nov., 1885	154	—	566
,, ...	,, Oubangi Region	29 April, 1887	156	—	568
,, ...	,, Boundaries.....	14 Aug., 1894	157	—	569

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
France	And Congo. Arrangement. France and Belgium. Right of Pre-emption. Congo Free State.....	5 Feb., 1895*	158	—	570
,, ...	,, Declaration. France and Belgium. Limits Possessions. Stanley Pool	5 Feb., 1895*	159	—	571
,, ...	,, Agreements. France and Belgium. Renewal of Agreements of 1895		382	—	1226
,, ...	Dahomey. See Dahomey.				
,, ...	And Danakils. Cession of Obock, &c. ..... See also France (East Africa).	11 Mar., 1862	181	2	628
,, ...	And Germany. Limits. West Africa	24 Dec., 1885	195	—	653
,, ...	,, Do. Slave Coast....	1 Feb., 1887	196	—	655
,, ...	,, French Protectorate. Madagascar, and German acquisition of Territorial Possessions of Zanzibar and Island of Mafia	17 Nov., 1890	197	—	656
,, ...	,, Cameroons. French Congo. Lake Chad.	4 Feb. / 15 Mar., 1894	198	—	657
,, ...	,, Delimitation. Possessions. Togo, Dahomey and Soudan	23 July, 1897	199	—	661
,, ...	,, Delimitation. French Congo and Cameroons	18 Apr., 1908	379	—	1215
,, ...	And Great Britain. Treaty. West Coast of Africa. Senegal, &c.	3 Sept., 1783	218	—	713
,, ...	,, Treaty. Restoration of certain Colonies, &c., to France	30 May, 1814	219	—	714
,, ...	,, Prussian Award. Portendic Claims.....	30 Nov., 1843	220	—	714
,, ...	,, Convention. Portendic and Albreda....	7 Mar., 1857	221	—	716
, ...	,, Declaration Independence. Muscat and Zanzibar. [Modified 5th August, 1890]	10 Mar., 1862	222	—	718
, ...	,, Notes. French Protectorate of Tunis. Treaty Rights of Great Britain and Foreign Powers. Bizerta, &c.	16/20 May, 1881	223	—	719
,, ...	,, Convention. Territorial Limits north of Sierra Leone.....	28 June, 1882	224	—	723
,, ...	,, Notes. Spheres of Influence. Gulf of Tajurrah and Somali Coast	2/9 Feb., 1888	225	—	726

* The Treaty of 1895 for the Cession of the Congo State to Belgium was withdrawn, but a fresh Treaty was concluded on November 28, 1907.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
France	And Great Britain. Arrangement. Senegambia to Gold Coast, Slave Coast. Gambia, Sierra Leone Assinee, Porto Novo	10 Aug., 1889	226	—	729
,, ...	,, Notes. Approval of Arrangement of 10th August, 1889	$\frac{2}{19}$ Nov., 1889	227	—	736
,, ...	,, Declaration. French Recognition of British Protectorate over Zanzibar and Pemba. Modification of Declaration of 10th March, 1862.....	5 Aug., 1890	228	—	738
,, ...	,, Declaration. French Protectorate. Madagascar. French Sphere of Influence south of her Mediterranean Possessions. Line from Saye, on the Niger, to Barruwa, on Lake Tchad....	5 Aug., 1890	229	—	738
,, ...	,, Notes. Declaration of 5th August does not affect Sultan's rights	$\frac{5}{6}$ Aug., 1890	230	—	740
,, ...	,, Procès-Verbal. Delimitation. Gambia Boundary	9 June, 1891	231	—	742
,, ...	,, Agreement. British and French Spheres of Influence in Niger Districts. Boundary Commission	26 June, 1891	232	—	743
,, ...	,, Notes. Ivory Coast. Extension of French Territory to Frontier of Liberia	1891—1892	233	—	745
,, ...	,, Despatch. Anglo-French Boundary Arrangements. West Africa	30 Mar., 1892	234	—	749
,, ...	,, Joint Report. British and French Commissions. Panchang and Niambuntang (Gambia)	8 May, 1893	235	—	754
,, ...	,, Arrangement. Boundary. British and French Possessions. Gold Coast	12 July, 1893	236	—	754
,, ...	,, Agreement. Boundary. North and East of Sierra Leone.....	21 Jan., 1895	237	—	757
,, ...	,, Notes annexed to above Agreement. Liberian Boundary. Tembi-Kunda. Use of Roads, &c.	22 Jan., 1895	237	—	759

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
France	And Great Britain. Declaration. Delimitation of Territories. West of Lower Niger	15 Jan., 1896	238	—	765
,, ...	,, Procès-Verbal. Delimitation of Boundary. Sierra Leone and French Guinea....	$\frac{9}{30}$ Apr., 1896	239	—	765
,, ...	,, Report. Boundary Commissioners. Lagos and Dahomey	12 Oct., 1896	240	—	780
,, ...	,, Convention. Delimitation. Possessions West of Niger. Possessions and Spheres of Influence East of Niger	14 June, 1898	241	—	785
,, ...	,, Notes. Evacuation of Territories referred to in Convention of same date	14 June, 1898	242	—	793
,, ...	,, Notes. Sierra Leone and French Guinea. Boundary. Coast to Tembi-Kunda	$\frac{14}{16}$ June, 1898	243	—	794
,, ...	,, Declaration. Completing Convention of 14th June, 1898. Spheres of Influence in Central Africa and Soudan	21 Mar., 1899	244	—	796
,, ...	,, Report. Boundary Commissioners. Borgu Boundary. West of Niger (Southern Nigeria and Dahomey)	22 Dec., 1900	245	—	797
,, ...	,, Agreement. Delimitation of Boundary. Gold Coast and Ivory Coast	1 Feb., 1903	246	—	803
,, ...	,, Procès- Verbaux. Boundary Commissioners. Tembi-Kunda to 13th degree of longitude west of Paris	12 Mar., 1903	247	—	809
,, ...	,, Lease by British to French Government of Land at Junction of Doko with Niger	20 May, 1903	248	—	812
,, ...	,, Lease by British to French Government of Land at the Mouth of Forcados River	20 May, 1903	249	—	814

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
France	And Great Britain. Notes. Boundary. Sierra Leone and French Guinea. Tembi-Kunda eastwards	22 Mar. / 5 Apr., 1904	250	—	815
,, ...	,, Convention. West and Central Africa	8 Apr., 1904	251	—	816
,, ...	,, Declaration. Egypt and Morocco	8 Apr., 1904	252	—	820
,, ...	,, Notes. Boundary. Gold Coast and French Soudan	18 Mar. / 25 Apr., 1904	253	—	822
,, ...	,, Notes. Suppression of French Consular Jurisdiction in Zanzibar	13 / 18 May, 1904	53	—	317
,, ...	,, Report. Beaconing Frontier. Northern Territories of Gold Coast and the Senegambia - Niger (French Soudan).....	19 Oct., 1904	254	—	827
,, ...	,, Notes. Boundary. Gold Coast and Ivory Coast	11 / 15 May, 1905	255	—	832
,, ...	,, Protocol. Frontier of Possessions. East of Niger	9 Apr., 1906	256	—	843
,, ...	,, Convention. Delimitation of Frontier. Possessions East of Niger. Confirmation of Protocol of 9th April, 1906	29 May, 1906	256	—	843
,, ...	,, Agreement. Boundary. Gold Coast and French Soudan	24 May / 19 July, 1906	257	—	847
,, ...	,, Agreement. Frontier. Possessions. Gulf of Guinea to Niger (Nigeria and Dahomey).....	19 Oct., 1906	258	—	849
,, ...	,, Agreement. Great Britain, France and Italy. Abyssinia	13 Dec., 1906	102	—	436
,, ...	,, Notes. Dredging Licences in Tanoe River. Gold Coast and Ivory Coast	16 / 25 June, 1907	259	—	861
,, ...	,, Description. Frontier East of Niger under Convention of 29 May, 1906	25 Feb., 1908	—	Note	846
,, ...	And Italy. Possessions. Coastal Region of Red Sea	24 Jan., 1900 / 10 July, 1901	200	—	663
			201	—	664
,, ...	And Liberia. Boundaries, &c.	8 Dec., 1892	351	—	1134
,, ...	,, ,, ,,	18 Sept., 1907	353	—	1140
,, ...	Madagascar. See Madagascar.				

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
France	And Morocco. Boundaries. Algeria	10 Sept., 1844	354	5	1146
,, ...	,, ,, ,,	18 Mar., 1845	355	—	1146
,, ...	And Muscat. Consular Jurisdiction	17 Nov., 1844	52	—	315
,, ...	And Ouatchis. Protection.	10 June, 1885	189	—	639
,, ...	,, Notification. French Protectorate.....	20 Aug., 1885	Note	—	487
,, ...	And Portugal. Boundaries. West Africa	12 May, 1886	208	—	673
,, ...	,, British Protest against ditto	13 Aug., 1887	—	—	705
,, ...	And Spain. Delimitation. Possessions. West Africa	27 June, 1900	359	—	1165
,, ...	,, Declaration. Integrity of Morocco	3 Oct., 1904	360	—	1168
,, ...	,, Interests in Mediterranean and East Atlantic Ocean	16 May, 1907	376	—	1212
,, ...	And Tunis. See Tunis.				
,, ...	And Zanzibar. Consular Jurisdiction, &c.	17 Nov., 1844	52	—	315
,, ...	,, Ditto. Suppression of French Consular Jurisdiction	$\frac{13}{18}$ May, 1904	53	—	317
	See also France and Muscat.				
Free Trade Zone	"Berlin Act"	26 Feb., 1885	128	1	470, 471
,, ,,	German Colonization Society	6 Mar., 1885	209	—	682
,, ,,	Application of ditto to British and German Spheres within	1 July, 1890	270	8	904
,, ,,	Settlements in	1 July, 1890	270	8	905
,, ,,	Zanzibar	22 June, 1892	46	—	312
French Congo ..	See Congo, French.				
French Guinea	Trade. Open Roads, &c. See also French West Africa.	22 Jan., 1895	237	—	761
French Soudan	France and Emir-el Mumenin. Boundary	23 Mar., 1887	189	—	640
,,	France and Germany. Limits	23 July, 1897	199	—	661
,,	Great Britain and France. Limits	21 Mar., 1899	244	—	796
	See also Fouta Djallon, French West Africa.				
French West Africa	(Senegal, French Guinea.* Ivory Coast, Dahomey, Upper Senegal and Niger, Mauritania.)				
,, ,,	Great Britain and France. Lagos (S. Nigeria) and Dahomey Boundary.				
	See Dahomey.				

* French Guinea was known earlier as "Rivières du Sud" (Rivers of the South).

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
French West Africa	Great Britain and France, Boundary. Gold Coast and Ivory Coast, French Soudan and Senegambia-Niger, viz. :—				
	From the Coast to the 9th degree of N. latitude (Gold Coast, Ivory Coast).....	26 June, 1891	232	—	743
	,, ,,	12 July, 1893	236	—	754
	,, ,,	1 Feb., 1903	246	—	803
	,, ,,	11/15 May, 1905	255	—	832
	From the 9th degree of N. latitude to the north and east (Northern Territories and French Soudan).....	14 June, 1898	241	1	786
,, ,,	,, ,,	18 Mar./25 Apr., 1904	253	—	822
,, ,,	,, ,,	19 Oct., 1904	254	—	827
,, ,,	,, ,,	24 May/19 July, 1906	257	—	847
,, ,,	,, Boundary. Northern Nigeria and French Soudan. Niger to Lake Chad	14 June, 1898	241	3, 4,	787
,, ,,	,, ,, ,,	8 Apr., 1904	251	8	818
,, ,,	,, ,, ,,	29 May, 1906	256	—	843
,, ,,	,, Boundary. Sierra Leone and French Guinea	21 Jan., 1895	237	—	757
,, ,,	,, ,, ,,	14/16 June, 1898	243	—	794
,, ,,	,, ,, ,,	12 Mar., 1903	247	—	809
,, ,,	,, ,, ,,	22 Mar./5 Apr., 1904	250	—	815
,, ,,	Colonies included in Government General	18 Oct., 1904	190	—	642
,, ,,	Notes on French Possessions in West Africa	1903—1904	190	—	642
	See also Congo (French), Dahomey, Ivory Coast, French Guinea, French Soudan.				
	For Boundary between French West Africa and Liberia, see Liberia.				
	For Boundary arrangements between France and Germany, see France. Germany.				
Frere, Mt.	Pondoland. See Cape Colony.				
Frio, Cape	See Germany and Africa (South-West Coast).				
Fugitive Slaves	On Ships of War. Freedom. "Brussels Act"	2 July, 1890	130	28	500
,, ,,	Freedom. "Brussels Act"	2 July, 1890	130	64	509
,, ,,	Witu	20 Mar., 1891	73	—	374

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Gaboon	Included in French Congo	29 Dec., 1903	190	—	642
Gaikas	(Kaffraria). See Kaffraria.				
Galabat	See Gallabat. Kalabat.				
Galam	Fort. Ceded by Great Britain to France	3 Sept., 1783	218	9	713
Galekaland	(Transkei). See Cape Colony.				
Galla	See Abyssinia, &c.				
Gallabat	Frontier. Soudan-Ethiopia See also Kalabat.	15 May, 1902	100	1	431
Gallaland	Confines. British and German Spheres of Influence	1 July, 1890	270	1, § 2	901
Gallinas	(Sierra Leone). Cession to Great Britain with half a mile inland	30 Mar., 1882	2	1	50
,,	,, Boundaries	18 May, 1885	2	—	54
Gama and Bontuku	Acceptance of English Flag	30 July, 1887	3	—	71
Gambaga	And all territories of Mamprusi left to Great Britain. Anglo-German Boundary. West Africa	14 Nov., 1899	277	5	920
,,	,, ,, ,,	26 Sept. 2 Dec., 1901	280	—	927
,,	,, ,, ,,	25 June, 1904	283	—	935
Gambela	See Baro, River.				
Gambia (Colony)	Guarantee to Great Britain	3 Sept., 1783	218	10	713
,,	Cession to Great Britain	15 June, 1826	1	2	8
,,	Ditto. One mile inland on right bank	15 June, 1826	1	3	9
,,	,, ,, ,,	5 Jan., 1832	1	—	11
,,	French Vessels trading to Albreda	15 June, 1826	1	2	9
,,	French Trade	7 Mar., 1857	221	3	717
,,	Union with Sierra Leone	19 Feb., 1866	1	—	18
,,	Separate Colony	28 Nov., 1888	1	—	20
,,	Territory north of, British and French	10 Aug., 1889	226	1	729
,,	Territory south of, British and French	10 Aug., 1889	226	1 Annex 2, § 4	729 734
,,	Annexation. Foreign Combo	Apr., 1894	1	—	20
,,	Boundary	8 Apr., 1904	251	5	817
,,	Notes on the Gambia	1783—1908	1	—	7
	See also Great Britain (France).				
Gambia (Protectorate)	Treaties. Native Chiefs	1894—1901	1	—	20
Gambo-Kona	Concession. Danakils to Italy	9 Dec., 1888	119	12	453
Gandu	National African Company. Transfer of Rights	13 June, 1885	9	—	124
,,	Protection	7 Apr., 1890	13	—	129
,,	Confirming Treaties	4 July, 1894	17	—	155
Garad	Territory north of Oppia. Italian Protectorate	20 May, 1889	349	—	1124
Gash	British and Italian Spheres	15 April, 1891	289	1	949
Gazaland	Concession British South Africa Company	4 Oct., 1890	33	—	266

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
German Colonization Society	Treaties. Native Chiefs	Nov.—Dec., 1884	209	—	681
,, ,,	,, ,, ,,	May—July, 1885	209	—	681, 686
,, ,,	Charter.....	27 Feb., 1885	209	—	681
,, ,,	Treaties, Witu and Somali See also German East Africa Company.	1885—1887	210	—	688
German East Africa Company	Concession by Zanzibar. Administration by Company of Territories, &c., on the Mrima and south of the River Umba	28 Apr., 1888	213	—	695
,, ,,	Agreement. Zanzibar. Custom Houses, &c.	4 June, 1888	214	—	700
,, ,,	Supplementary Agreement. Régie or Lease of Zanzibar Customs to Association	13 Jan., 1890	215	—	702
,, ,,	Concessions to. Ceded by Zanzibar absolutely to Germany	1 July, 1890	270	11	905
,, ,,	,, Notes exchanged between Great Britain and Germany	$\frac{27}{28}$ Oct., 1890	271	—	907
	See also German Colonization Society. See also Dar-es-Salaam.				
German S. W. Africa Company	A Corporate Body	13 April, 1885	211	—	692
Germany	Accession. Declaration. Great Britain and France, 1862. Independence. Zanzibar	29 Oct., 1886	264	7	882—886
,, ...	German acquisition. Continental Possessions, Zanzibar. French recognition	17 Nov., 1890	197	—	656
,, ...	And Africa. (East Coast) Charter. German Colonization Society	27 Feb., 1885	209	—	681
,, ...	,, Notes on Protectorates, Treaties, &c. See also German Colonization Society. German East Africa Company.	1884—1890	210	—	682
,, ...	,, (South-West Coast). Notes on Protectorates. Namaqualand, Damaraland, &c.	1884—1892	211	—	691
,, ...	,, (West Coast). Notes on Protectorates	1884—1890	212	—	693
,, ...	And Bondelzwart Hottentots. Submission, Non-cession of Territory, &c.	23 Dec., 1906	374	—	1210

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Germany	And Congo Free State. Recognition	8 Nov., 1884	160	5	573
,, ...	And France. Boundaries. West Africa	24 Dec., 1885	195	—	653
,, ...	,, Ditto. Slave Coast	1 Feb., 1887	196	—	655
,, ...	,, French Protectorate. Madagascar. Territorial possessions of Zanzibar and Island of Mafia	17 Nov., 1890	197	—	656
,, ...	,, Spheres of Influence. Cameroons. French Congo. Lake Tchad	4 Feb. / 15 Mar., 1894	198	—	657
,, ...	,, Delimitation. Possessions. Togo. Dahomey. Soudan	23 July, 1897	199	—	661
,, ...	,, Delimitation. French Congo and Cameroons	18 April, 1908	379	—	1215
,, ...	And Great Britain. Arrangement. Spheres of Action. Gulf of Guinea. Rio del Rey. Cameroons. Ambas Bay. St. Lucia Bay, &c.	29 April / 16 June, 1885	260	—	868
,, ...	,, Procès - Verbal. Great Britain, France, and Germany. Maritime, Littoral, and Continental Possessions of Sultan of Zanzibar	9 June, 1886	261	—	874
,, ...	,, Protocol. British Claims in German Protectorates in South-West Africa. Penguin Islands, &c.	15 July, 1886	262	—	877
,, ...	,, Supplementary Arrangement. Spheres of Action. Gulf of Guinea. River Benue. Yola	27 July / 2 Aug., 1886	263	—	880
,, ...	,, Agreement. Recognition of Sultan of Zanzibar's Sovereignty over Islands and Territories on East African Mainland. Spheres of Influence. Adhesion of Germany to Declaration between Great Britain and France of 10th March, 1862....	29 Oct. / 1 Nov., 1886	264	—	882
,, ...	,, Adhesion. Sultan of Zanzibar to Agreement between Great Britain and Germany of 29th October—1st November, 1886. Zanzibar Possessions	4 Dec., 1886	265	—	887

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Germany	And Great Britain. Agreement. Establishment of Trading Stations within Spheres of Influence in East Africa	Mar., 1887	266	—	887
„	„ Agreement. Discouragement of Annexations in rear of Spheres of Influence in East Africa	July, 1887	267	—	888
„	„ Joint Recommendations. British and German Commissioners. Spheres of Influence. Interior of Gold Coast. Togoland. Volta	Dec., 1887	268	—	890
„	„ Award. Belgium. Difference between British East Africa Company and German Witu Company. Farming of Customs and administration of Island of Lamu	17 Aug., 1889	269	—	891
„	„ Agreement. Spheres of Influence. East, West, and South-West Africa	1 July, 1890	270	—	899
„	„ Notes. Compensation to Sultan of Zanzibar for Cession to Germany of coast line between Rivers Umba and Rovuma, and of Island of Mafia	$\frac{27}{28}$ Oct., 1890	271	—	907
„	„ Agreement. Great Britain, Germany, and Italy. Tariff of Eastern Zone of Conventional Basin of the Congo	22 Dec., 1890	131	—	518
„	„ Protocols. Boundaries. British and German Spheres of Influence. Lake Jipe, Wanga, &c.	$\frac{27 \text{ Oct.}}{24 \text{ Dec.}}$, 1892	272	—	909
„	„ Agreement. Boundary. Gulf of Guinea, Rio del Rey	14 April, 1893	273	—	910
„	„ Protocol. Boundary Commissioners. East Equatorial Africa	8 July, 1893	—	—	912
„	„ Agreement. Boundary. From the Umba River to Lake Jipe and Kilimanjaro	25 July, 1893	274	—	911

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Germany	And Great Britain. Agreement. Boundaries and Spheres of Influence. From the Gulf of Guinea into the Interior. Yola. Lake Chad. Basin of River Shari, Darfur, Kordofan, Bahr-el-Ghazal, &c.	15 Nov., 1893	275	—	913
,, ...	,, Customs Union. Gold Ccast and Togoland	24 Feb., 1894	—	Note	915
,, ...	,, Protocol. Delimitation. Nyasa-Tanganyika Boundary	11 Nov., 1898	276	—	916
,, ...	,, Convention. West Africa, Zanzibar, &c.	14 Nov., 1899	277	—	919
,, ...	,, Notes. Jassin and Umba Valley Boundary	28 Jan., 1900	278	—	921
,, ...	,, Protocol. Jassin and Umba Valley Boundary	14 Feb., 1900	—	—	922
,, ...	,, Notes. Jassin and Umba Valley Boundary	$\frac{3}{25}$ April, 1900	—	—	923
,, ...	,, Agreement. Spheres of Interest. Lakes Nyasa and Tanganyika.....	23 Feb., 1901	279	—	925
,, ...	,, Convention. Boundary. Gold Coast and Togoland	$\frac{26 \text{ Sept.}}{2 \text{ Dec.}}$, 1901	280	—	927
,, ...	,, Protocols. Delimitation. Gold Coast and Togoland Boundary (footnote).....	21 July, 1902	—	—	935
,, ...	,, Agreement. Boundary. Yola-Lake Chad	12 Dec., 1902	281	—	930
,, ...	,, Protocol. Delimitation of Yola Arc	10 Aug., 1903	—	—	939
,, ...	,, Protocol. Boundary. Yola-Lake Chad	24 Feb., 1904	282	—	933
,, ...	,, Notes. Boundary. Gold Coast and Togoland north of the 9th degree of North latitude	25 June, 1904	283	—	935
,, ...	,, Agreement. Boundary. Yola to Lake Chad	19 Mar., 1906	284	—	937
,, ...	,, Notes. Acceptance of above Agreement	16 July, 1906	—	—	941
,, ...	,, Agreement. Boundaries. Territories in East Africa	18 July, 1906	285	—	942
,, ...	And Portugal. Boundaries	30 Dec., 1886	216	—	703
,, ...	,, British Protest against ditto	13 Aug., 188?	—	—	705

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Germany	And Portugal. Spheres of Influence. East Africa. (Cape Delgado)	30 Aug. / 1 Sept., 1894	217	—	706
,,	And Zanzibar. Consular Jurisdiction, &c.	20 Dec., 1885	54	—	320
,,	,, Cessation of ditto	14 Nov., 1899	277	7	920
,,	,, ,, ,,	11 June, 1907	54	—	322
,,	See also Kwyhoo, Patta, Manda, Witu, &c.				
,,	Zanzibar and German East Africa Company. See German East Africa Company				
Gibraltar, Straits	Free Passage. Declaration Great Britain and France	8 April, 1904	252	7	821
Gig-giga	British and Italian Spheres	5 May, 1894	290	1	951
Gildessa	British and French Spheres	2–9 Feb., 1888	225	—	726
,,	British and Italian Spheres	5 May, 1894	290	1	951
Girrhi Tribes	British and Italian Spheres	5 May, 1894	290	1	951
Girri	Egyptian evacuation	July, 1884	178	—	617
Giumbo	British lease to Italy of Land near Kismayu	13 Jan., 1905	294	—	958
Gobad	And France. See Obock.				
,,	And Italy. Italian Protectorate*	Nov., 1884	330	—	1086
Godomey	(Dahomey.) Annexed to France	3 Dec., 1892	194	—	651
Gold Coast	Notes on the Gold Coast, including Ashanti and Northern Territories	1821—1908	3	—	64
,,	Danish Possessions ceded to Great Britain	17 Aug., 1850	177	—	608
,,	Exchange. Forts and Possessions. Great Britain and Netherlands	5 Mar., 1867	297	—	977
,,	Dutch Forts and Possessions ceded to Great Britain	25 Feb., 1871	297	—	979
,,	Gold Coast separate Colony	13 Jan., 1886	3	—	69
,,	Limits of Colony	22 Oct., 1906	3	2, § 1	75
,,	British and French Limits	10 Aug., 1889	226	3	730
				Annex 2	735
,,	,, ,, ,,	26 June, 1891	232	—	744
,,	,, ,, ,,	12 July, 1893	236	—	754
,,	,, ,, ,,	1 Feb., 1903	246	—	803
,,	,, ,, ,,	19 Oct., 1904	254	—	827
,,	,, ,, ,,	11/15 May, 1905	255	—	832
,,	British and German Spheres	Dec., 1887	268	—	890
,,	British and German Boundary. Togo Protectorate	1 July, 1890	270	4	903
,,	Gold Coast Colony, East of Volta, and Togoland. Customs Union	24 Feb., 1894	Note	—	915

* The Sultan of Gobad subsequently accepted French protection. See Obock.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Gold Coast	Dredging Licences. Tanoe River	16/25 June, 1907	259	—	861
,,	Northern Territories. Separate District	1897	3	—	78
,,	,, Boundaries	26 Sept., 1901	3	—	78
,,	,, ,,	22 Oct., 1906	3	1, 2	79
,,	,, Frontier with French Colonies	14 June, 1898	241	1	786
,,	,, Ditto	18 Mar./25 April, 1904	253	—	822
,,	,, Ditto	24 May/19 July, 1906	257	—	847
,,	,, Neutral Zone. Great Britain and Germany	Dec., 1887	268	—	890
,,	,, Ditto	14 Nov., 1899	277	—	919
,,	,, Ditto	Sept.—Dec., 1901	280	—	927
,,	,, Ditto	25 June, 1904	283	—	935
	See also Ashanti.				
Gomera	See Penon de la Gomera.				
Gondar	Trade route from Gondar northwards to Eritrea. Boundary. Soudan and Abyssinia	22 Nov., 1901	291	—	952
Gorée Island	Restored to France	3 Sept., 1783	218	9	713
Goubout-Kharab	See Gubbed-Kharab.				
Grain Coast	Renunciation by France	8 Dec., 1892	351	3	1135
,,	Liberian Sovereignty. West of Cavally River	8 Dec., 1892	351	3	1135
Grand Comoro	See Comoro Islands.				
Grand Sesters Basin	Liberian Possession	8 Dec., 1892	351	1, § 2	1134
Great Britain	And Abyssinia. See Abyssinia.				
,,	And Africa (East Coast). Witu, &c.	19 Nov., 1890	69	—	364
,,	,, British Protectorate North of the Tana	31 July, 1893	75	—	379
,,	And Belgium (Congo)	16 Dec., 1884	161	—	573
,,	And Congo Free State. Recognition	16 Dec., 1884	161	—	574
,,	,, Consular Jurisdiction, &c.	16 Dec., 1884	162	5	576
,,	,, Spheres of Influence. Territories leased, &c.	12 May, 1894	163	—	578
,,	,, Art. 3 ditto withdrawn	22 June, 1894	164	—	584
,,	,, Modification. Agreement of 1894. Lado Enclave. Boundary. Congo State and Soudan, &c.	9 May, 1906	165	—	584
,,	And Denmark. Gold Coast	17 Aug., 1850	177	—	608
,,	And Ethiopia. See Abyssinia.				
,,	And France. Treaty. West Coast of Africa. Senegal, &c.	3 Sept., 1783	218	—	713
,,	,, Treaty. Restoration of certain Colonies to France	30 May, 1814	219	—	714

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Great Britain	And France. Prussian Award. Portendic Claims	30 Nov., 1843	220	—	714
,, ...	,, Convention. Portendic and Albreda....	7 Mar., 1857	221	—	716
,, ...	,, Declaration. Independence. Muscat and Zanzibar. (Modified 5th Aug., 1890)	10 Mar., 1862	222	—	718
,, ...	,, Notes. Tunis. French Protectorate. Treaty Rights of Great Britain and Foreign Powers. Bizerta, &c.	$\frac{16}{20}$ May, 1881	223	—	719
,, ...	,, Convention. Territorial Limits north of Sierra Leone	28 June, 1882	224	—	723
,, ...	,, Exchange of Notes. Spheres of Influence. Tajourah. Somali Coast	$\frac{2}{9}$ Feb., 1888	225	—	726
,, ...	,, Arrangement. Senegambia to Gold Coast. Slave Coast, Gambia, Sierra Leone, Assinee, Porto Novo	10 Aug., 1889	226	—	729
,, ...	,, Exchange of Notes. Approval of Arrangement of 10th August, 1889, ditto	$\frac{2}{19}$ Nov., 1889	227	—	736
,, ...	,, Declaration. British Protectorate. Zanzibar and Pemba. French Recognition. Modification of Declaration of 10th March, 1862	5 Aug, 1890	228	—	738
,, ...	,, Declaration. Madagascar. French Protectorate. French Sphere of Influence south of her Mediterranean Possessions. Line from Saye, on the Niger, to Barruwa, on Lake Tchad	5 Aug., 1890	229	—	738
,, ...	,, Notes. Declaration of 5th August does not affect Sultan's rights.....	$\frac{5}{6}$ Aug., 1890	230	—	740
,, ...	,, Procès-Verbal. Delimitation. Gambia. Boundary	9 June, 1891	231	—	742
,, ...	,, Agreement. British and French Spheres of Influence. Niger Districts. Boundary Commission	26 June, 1891	232	—	743

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Great Britain	And France. Exchange of Notes. Ivory Coast. Extension of French Territory to Frontier of Liberia	1891—1892	233	—	745
„	„ Despatch. Anglo-French Boundary Arrangements. West Africa	30 Mar., 1892	234	—	749
„	„ Joint Report. British and French Commissioners. Panchang and Niambuntang (Gambia)	8 May, 1893	235	—	754
„	„ Arrangement. Boundary. British and French Possessions on the Gold Coast	12 July, 1893	236	—	754
„	„ Agreement. Boundary. North and East of Sierra Leone	21 Jan., 1895	237	—	757
„	„ Notes annexed to above Agreement. Liberian Boundary. Tembi-Kunda. Use of Roads, &c.	22 Jan., 1895	237	—	759
„	„ Declaration. Delimitation of Territories, West of Lower Niger	15 Jan., 1896	238	—	765
„	„ Procès-Verbal. Delimitation of Boundary. Sierra Leone and French Guinea	$\frac{9}{30}$ April, 1896	239	—	765
„	„ Report. Boundary Commissioners. Lagos and Dahomey	12 Oct., 1896	240	—	780
„	„ Convention. Delimitation. Possessions West of Niger. Possessions and Spheres of Influence East of Niger	14 June, 1898	241	—	785
„	„ Notes. Evacuation of Territories referred to in Convention of same date	14 June, 1898	242	—	793
„	„ Notes. Sierra Leone and French Guinea. Boundary. Coast to Tembi-Kunda	$\frac{14}{16}$ June, 1898	243	—	794
„	„ Declaration. Completing Convention of 14 June, 1898. Spheres of Influence in Central Africa and Soudan	21 Mar., 1899	244	—	796

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Great Britain	And France. Report. Boundary Commissioners. Borgu Boundary. West of Niger (Southern Nigeria and Dahomey)	22 Dec., 1900	245	—	797
„	„ Agreement. Delimitation of Boundary. Gold Coast and Ivory Coast	1 Feb., 1903	246	—	803
„	„ Procès - Verbaux. Boundary Commissioners. Tembi-Kunda to 13th degree of longitude west of Paris	12 Mar., 1903	247	—	809
„	„ Lease by British to French Government of Land at Junction of Doko with Niger	20 May, 1903	248	—	812
„	„ Lease by British to French Government of Land at the Mouth of Forcados River	20 May, 1903	249	—	814
„	„ Notes. Boundary. Sierra Leone and French Guinea. Tembi-Kunda eastwards	22 Mar. / 5 April, 1904	250	—	815
„	„ Convention. West and Central Africa	8 April, 1904	251	—	816
„	„ Declaration. Egypt and Morocco	8 April, 1904	252	—	820
„	„ Notes. Boundary. Gold Coast and French Soudan	18 Mar. / 25 April, 1904	253	—	822
„	„ Notes. Suppression of French Consular Jurisdiction in Zanzibar	13 / 18 May, 1904	53	—	317
„	„ Report. Beaconing Frontier. Northern Territories of Gold Coast and the Senegambia - Niger (French Soudan)	19 Oct., 1904	254	—	827
„	„ Notes. Boundary. Gold Coast and Ivory Coast	11 / 15 May, 1905	255	—	832
„	„ Protocol. Frontier of Possessions. East of Niger	9 April, 1906	256	—	843
„	„ Convention. Delimitation of Frontier. Possessions East of Niger. Confirmation of Protocol of 9 April, 1906.....	29 May, 1906	256	—	843
„	„ Agreement. Boundary. Gold Coast and French Soudan	24 May / 19 July, 1906	257	—	847

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Great Britain	And France. Agreement. Frontier. Possessions. Gulf of Guinea to Niger (Nigeria and Dahomey)	19 Oct., 1906	258	—	849
„	„ Agreement. Great Britain, France and Italy. Abyssinia	13 Dec., 1906	102	—	436
„	„ Notes. Dredging Licences in Tanoe River. Gold Coast and Ivory Coast	$\frac{16}{25}$ June, 1907	259	—	861
„	„ Description. Frontier East of Niger under Convention of 29th May, 1906	25 Feb., 1908	—	Note	846
„	And Germany. Arrangement. Spheres of Action. Gulf of Guinea, Cameroons, Ambas Bay, St. Lucia Bay, &c.	$\frac{29 \text{ Apr.}}{16 \text{ June}}$, 1885	260	—	868
„	„ Procès - Verbal. Great Britain, France, and Germany. Maritime, Littoral and Continental Possessions of Sultan of Zanzibar	9 June, 1886	261	—	874
„	„ Protocol. British Claims in German Protectorates in South-west Africa. Penguin Islands	15 July, 1886	262	—	877
„	„ Suppl. Arrangement. Spheres of Action. Gulf of Guinea, River Benue, Yola	$\frac{27 \text{ July}}{2 \text{ Aug.}}$, 1886	263	—	880
„	„ Agreement. Sultan of Zanzibar's Sovereignty over Islands and Territories on East African Mainland. Spheres of Influence. Adhesion of Germany to Declaration between Great Britain and France of 10th of March, 1862	$\frac{29 \text{ Oct.}}{1 \text{ Nov.}}$, 1886	264	—	882
„	„ Adhesion. Sultan of Zanzibar to Anglo-German Agreement of October-November, 1886	4 Dec., 1886	265	—	887
„	„ Agreement. Establishment of Trading Stations within Spheres of Influence in East Africa	Mar., 1887	266	—	887

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Great Britain	And Germany. Agreement. Discouragement of Annexations in rear of Spheres of Influence in East Africa	July, 1887	267	—	888
„	„ Joint Recommendations. British and German Commissioners. Spheres of Influence. Interior of Gold Coast, Togoland, Volta	Dec., 1887	268	—	890
„	„ Award. Belgium. Difference between British East Africa Company and German Witu Company. Farming of Customs. Administration of Island of Lamu	17 Aug., 1889	269	—	891
„	„ Agreement. Spheres of Influence. East, West, and South-west Africa	1 July, 1890	270	—	899
„	„ Notes. Compensation to Sultan of Zanzibar for Cession to Germany of Coast Line between Rivers Umba and Rovuma, and of Island of Mafia	27/28 Oct., 1890	271	—	907
„	Great Britain, Germany, and Italy. Tariff. Eastern Zone. Conventional Basin of Congo	22 Dec., 1890	131	—	518
„	And Germany. Protocol. Boundaries. British and German Spheres of Influence. Lake Jipé, Wanga, &c.	27 Oct., 24 Dec., 1892	272	—	909
„	„ Agreement. Boundary. Gulf of Guinea. Rio del Rey	14 April, 1893	273	—	910
„	„ Protocol. Boundary Commissioners. East Equatorial Africa	8 July, 1893	—	—	912
„	„ Agreement. Boundary. From Umba River to Lake Jipé and Kilimanjaro	25 July, 1893	274	—	911
„	„ Agreement. Boundaries. From Gulf of Guinea into the Interior	15 Nov., 1893	275	—	913
„	„ Protocol. Delimitation. Nyasa-Tanganyika Boundary	11 Nov., 1898	276	—	916

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Great Britain	And Germany. Convention. West Africa, Zanzibar, &c.	14 Nov., 1899	277	—	919
„	„ Notes. Jassin and Umba Valley Boundary	28 Jan., 1900	278	—	921
„	„ Protocol. Jassin and Umba Valley Boundary	14 Feb., 1900	—	—	922
„	„ Notes. Jassin and Umba Valley Boundary	3/25 Apr., 1900	—	—	923
„	„ Agreement. Spheres of Interest. Lakes Nyasa and Tanganyika	23 Feb., 1901	279	—	925
„	„ Convention. Boundary. Gold Coast and Togoland	26 Sept. / 2 Dec., 1901	280	—	927
„	„ Protocols. Delimitation. Gold Coast and Togoland Boundary (footnote)	21 July, 1902	—	—	935
„	„ Agreement. Boundary. Yola–Lake Chad	12 Dec., 1902	281	—	930
„	„ Protocol. Delimitation of Yola Arc	10 Aug., 1903	—	—	939
„	„ Protocol. Boundary. Yola–Lake Chad	24 Feb., 1904	282	—	933
„	„ Notes. Boundary. Gold Coast and Togoland north of the 9th degree of North latitude	25 June, 1904	283	—	935
„	„ Agreement. Boundary. Yola to Lake Chad	19 Mar., 1906	284	—	937
„	„ Notes. Acceptance of above Agreement	16 July, 1906	—	—	941
„	„ Agreement. Boundaries. Territories in East Africa	18 July, 1906	285	—	942
„	And Italy. Notes. Spheres of Surveillance. Red Sea. Ras Kasar fixed as limit	24/31 May, 1887	286	—	946
„	„ Declaration. Abolition of British Consular Jurisdiction at Massowah	17 Aug., 1888	287	—	947
„	„ Protocol. British and Italian Spheres of Influence in Eastern Africa. River Juba to Blue Nile.....	24 Mar., 1891	288	—	948
„	„ Protocol. British and Italian Spheres of Influence. Ras Kasar to Blue Nile	15 April, 1891	289	—	949

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Great Britain	And Italy. Agreement. Spheres of Influence. Eastern Africa. Somali, &c.	5 May, 1894	290	—	951
„	„ Declaration. Soudan – Eritrean Frontier ..... [For Local Agreements relating to this Frontier, see Soudan, Anglo-Egyptian.]	22 Nov., 1901	291	—	952
„	And Italy and Ethiopia. Frontiers. Ethiopia, Eritrea, and Soudan	15 May, 1902	100	—	433
„	And Italy. Frontier. Abyssinia and East Africa Protectorate	29 Jan. 9 Feb., 1903	292	—	953
„	„ Purchase by Italy of Benadir Coast. Abandonment of Italian Ex-territorial Rights in Zanzibar	13 Jan., 1905	293	—	954
„	„ Lease to Italy of Land near Kismayu	13 Jan., 1905	294	—	958
„	And Italy and France. Abyssinia	13 Dec., 1906	102	—	436
„	And Italy. Italian Agreement of 1905 with Seyid Mahamed-bin-Abdulla	19 Mar., 1907	295	—	961
„	And Liberia. See Liberia.				
„ ...	And Madagascar. Treaty British Consular Jurisdiction. Suppression of Piracy and the Slave Trade, &c.	27 June, 1865	203	—	665
„	And Morocco. Purchase of Property of North-West Africa Company. Cape Juby	13 Mar., 1895	296	—	970
„	And Netherlands. Possessions formerly held by the Netherlands on the West Coast of Africa. Notes.....	1814—1871	297	—	976
„	„ Cession to England of the Cape of Good Hope, &c.	13 Aug., 1814	297	—	976
„	„ Exchange of Territory on Gold Coast	5 Mar., 1867	297	—	977
„	Transfer of ditto to England	25 Feb., 1871	297	1	979
„	And Portugal. Additional Convention. Portuguese Limits on East and West Coasts of Africa	28 July, 1817	298	—	985
„	„ Protocol. Dispute respecting Sovereignty over Island of Bulama to be referred to Arbitration	13 Jan., 1869	299	—	985

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Great Britain	And Portugal. Award. United States. Sovereignty of Portugal over Island of Bulama	21 April, 1870	300	—	988
,, ...	,, Notification. Portuguese Occupation of Island of Bulama	1 Oct., 1870	301	—	990
,, ...	,, Protocol. Dispute respecting Delagoa Bay (Lorenzo Marques) to be referred to Arbitration	25 Sept., 1872	302	—	991
,, ...	,, British Case. Conflicting Claims to Delagoa Bay (Lorenzo Marques)	Sept., 1873	303	—	991
,, ...	,, Exchange of Notes. Non-cession of Territory to whichever Power awarded	June, 1875	304	—	993
,, ...	,, Award. President of French Republic. Portuguese Sovereignty over Delagoa Bay (Lorenzo Marques)	24 July, 1875	305	—	996
,, ...	,, Protocol. Ratification of Convention between Portugal and South African Republic of 11th December, 1875 (with Explanatory Notes)	7 Oct., 1882	306	—	998
,, ...	,, Treaty. Portuguese Boundary on West Coast of Africa. Navigation of Rivers Congo and Zambesi....	26 Feb., 1884	307	—	1004
,, ...	,, Convention. Spheres of Influence. Navigation of the Zambesi, &c. (not ratified, but see Agreement of 14th November, 1890)	20 Aug., 1890	308	—	1006
,, ...	,, Agreement. Modus Vivendi. Spheres of Influence. Navigation of the Zambesi and Shiré, &c.	14 Nov., 1890	309	—	1014
,, ...	,, Treaty. Spheres of Influence. East and Central Africa	11 June, 1891	310	—	1016
,, ...	,, Lease of Land at Chinde to British Government (see also Agreement of Sept.–Dec., 1898)	7 May, 1892	—	—	1026

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Great Britain....	And Portugal. Lease of Land at Leopard Bay, Lake Nyasa, to Portuguese Government (see also Agreement of 12 Jan., 1901)	7 May, 1892	—	—	1026
,, ...	,, Agreement. Modus Vivendi. Spheres of Influence North of the Zambesi	May—June, 1893	311	—	1027
,, ...	,, Declaration. Arbitration. Manica Boundary Question....	7 Jan., 1895	312	—	1030
,, ...	,, Notes. Frontiers of Possessions. Tongaland	24 Sept. / 5 Oct., 1895	313	—	1033
,, ...	,, Agreement. Prolonging "Modus Vivendi" of 1893. Spheres of Influence north of Zambesi.....	20 Jan., 1896	314	—	1034
,, ...	,, Award. Arbitration. British and Portuguese Spheres in East Africa (Manica)	30 Jan., 1897	315	—	1036
,, ...	,, Description. Anglo-Portuguese Frontier. British Amatongaland and Portuguese East Africa	2 Oct., 1897	316	—	1066
,, ...	,, Procès - Verbaux. Boundary in the Barué district, East Africa	28 June / 6 Dec., 1898	317	—	1069
,, ...	,, Agreement. Extension of British Concession at Chinde	12 Sept. / 27 Dec., 1898	310	—	1026
,, ...	,, Procès - Verbaux. Delimitation of Manica Boundary, East Africa	June / Dec., 1898	318	—	1069
,, ...	,, Notes. Frontier. Possessions in Amatongaland	29 Dec., 1898 / 25 Jan., 1899	319	—	1070
,, ...	,, Agreement. Boundary. British Central Africa and Portuguese Territory	July–Nov., 1899 / 8 Dec., 1900	320	—	1070
,, ...	,, Agreement. Concession to Portugal. Land on Lake Nyasa in lieu of that leased on 7 May, 1892	12 Jan., 1901	321	—	1071
,, ...	,, Notes. Barué Boundary. Mount Karera to River Mazoe	4 Mar. / 28 Apr., 1902	322	—	1071

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Great Britain	And Portugal. Declaration. Submission of Barotse Boundary Question to Arbitration	12 Aug., 1903	323	—	1072
„	„ Notes. Barué Boundary. 18° 30. south latitude to Mount Karera	18 Jan. / 12 Apr., 1904	324	—	1073
„	„ Notes. Boundary in East Africa. Junction of Sabi and Lundi Rivers to the Limpopo	21 Dec., 1903 / 19 July, 1904	325	—	1073
„	„ Award. Arbitration. Western boundary of Barotse Kingdom	30 May, 1905	326	—	1074
„	„ Protocols. Delimitation of Boundary north and south of the Zambesi.....	21 Nov., 1904 / 24 Oct., 1905	327	—	1077
„	„ Notes. Provisional acceptance of Boundary. British Central Africa and Portuguese East Africa	15 Sept., 1906	328	—	1077
„	„ Notes. Adoption of Boundary in East Africa. 18° 30. south latitude to the Limpopo	3 June, 1907	329	—	1078
„	And South African Republic. See Transvaal				
„	And Spain. Maintenance of *Status quo* in Mediterranean and East Atlantic Ocean	16 May, 1907	375	—	1211
„	Tongaland. Treaty. British Protection, Boundaries, &c.	6 July, 1887	23	—	204
„	„ British Sovereignty	23 April, 1895	24	—	206
„	„ „ „	11 June, 1895	24	—	207
„	And Uganda. See Uganda.				
„	And Zanzibar. Treaty. Exterritoriality. Consular Jurisdiction	30 April, 1886*	40	—	302
„	„ Agreement. Limits of Sultan's Dominions. Islands of Zanzibar, Pemba, Lamu, and Mafia. Kau, Kismayu, Warsheikh, Dar-es-Salaam, Pangani, Kilimanjaro District, Witu, &c. British and German Spheres of Influence	3—4 Dec., 1886	41	—	304

* Abrogated by Treaty of November 4, 1903.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Great Britain	And Zanzibar. Agreement. Lease for 5 years of Sultan's Dominions to British East Africa Company, Kipini to Mruti (except Witu), Lamu, Manda, Patta, Kiwhyu, Kismayu, Brava, Meurka, Magadisho, and Warsheikh	31 Aug., 1889	66	—	359
,, ...	,, Provisional Agreement. British Protectorate over Zanzibar Dominions (Succession, &c.)	14 June, 1890	42	—	308
,, ...	,, Notification. British Protectorate over Zanzibar Dominions (with exceptions)	4 Nov., 1890	43	—	310
,, ...	,, Declaration. Exercise of Judicial Powers in Zanzibar by other than Consular Officers	2 Feb., 1891	44	—	310
,, ...	,, Notification. Free Port of Zanzibar	8 Feb., 1892	45	—	311
,, ...	,, Notification. Free Trade Zone	22 June, 1892	46	—	312
,, ...	,, Declaration. Consular Jurisdiction	16 Dec., 1892	47	—	313
,, ...	,, Order in C. Natives of British Protectorates. British Jurisdiction over Zanzibar Subjects. Enforcement of Treaties, &c.....	17 July, 1893	48	—	314
,, ...	,, Proclamation. Administration of British Protectorate north of the Tana delegated to Sultan of Zanzibar. Witu, &c.	31 July, 1893	75	—	379
,, ...	,, British Administration of Mainland Possessions	14 Dec., 1895	77	—	382
,, ...	,, Boundary. Ditto....	13 July, 1899	79	—	383
	See also Zanzibar.				
Great Scarcies	River. See Scarcies Rivers.				
Greboes	(G'deboes). Submission to Liberia	23 Sept., 1893	351	—	1136
Griqua Country	See Bechuanaland.				
Griqualand East	Annexation of Xesibeland	25 Oct., 1886	19	—	171
Griqualand West	Annexation to Cape Colony	Act No. 39, 1877	19	—	177
,, ,,	,, ,, ,,	22 Feb., 1878	19	—	177
,, ,,	Amalgamated with ditto	15 Oct., 1880	19	—	177

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Griqualand West	Boundary. South African Republic	3 Aug., 1881	23	—	224, 227
„ „	„ „ „	27 Feb., 1884	28	—	228
Gubbed Kharab	Cession by Tajourah to France See also Obock (Gobad).	18 Oct., 1884	185	—	632
Gubbi	Italian Administration	10 Aug., 1887	116	3	451
Guinea	France and Portugal Limits	12 May, 1886	208	1	674
„	France and Spain. Limits	27 June, 1900	359	4	1166
Gulf of Aden	See Aden, Gulf of.				
Gulf of Guinea	See Gold Coast. Nigeria.				
Gurré Tribe	Agreement. Great Britain and Ethiopia. Southern Frontier	6 Dec., 1907	103	—	445
Hadou	Wells. British and French Spheres	2—9 Feb., 1888	225	1	726
Hahamot	See Kor Kakamot.				
Halibai	Frontier. Eritrea and Anglo - Egyptian Soudan	18/19 Dec., 1907	377	—	1214
Halifax Island	See Ichaboe.				
Hanfilah	See Amphila.				
Harrar	Withdrawal. Egyptian Troops	May, 1884	178	—	617
„	Non-annexation or protection by Great Britain or France	2—9 Feb., 1888	225	4	726
„	Action of other Powers	2—9 Feb., 1888	225	4	726
„	Caravan Route to Zeila	2—9 Feb., 1888	225	5	726
„	Concession. Abyssinia. Jibuti-Harrar Railway	9 Mar., 1894	126	—	461
„	Jibuti Railway	13 Dec., 1906	102	6	438
Hartly Hill (Bechuanaland)	British Jurisdiction	27 June, 1891	22	6, 7	193
Heligoland	And Africa. Arrangement. Great Britain and Germany	1 July, 1890	270	—	906
Herero	And Ovomboland. District. German Protectorate See also Damaraland.	14 Sept., 1892	211	—	692
Hinterland	British and German views	1884	Note	—	915
„	Great Britain and Germany. Annexation in rear of Spheres of Influence	July, 1887	267	—	888
„	„ Togoland. Interior Limits	Dec., 1887	268	—	890
„	Tripoli hinterland. Turkish reservation	30 Oct., 1890	230	—	740
„	Liberia and France. Limits	8 Dec., 1892	351	1	1134
„	Great Britain and Germany, Gulf of Guinea See also Separate Countries.	15 Nov., 1893	275	—	913
Hollam's Bird Island	See Ichaboe.				

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Hottentot Bay	British Claims	15 July, 1886	262	3	878
Hottentots	See Bondelzwart.				
Houbbous	French Possession. North of Sierra Leone	10 Aug., 1889	226	2	730
Humbe	Germany and Portugal. Boundary	30 Dec., 1886	216	1	703
Ibadan	(Lagos). Jurisdiction, &c.	23 July, 1888	5	—	109
,,	,, ,, ,,	15 Aug., 1893	5	—	110
Ibi	River Benué. British and German Spheres	5 June, 1885	8	—	123
Ibu	(Lagos). Non-cession of Territory. Boundaries, &c.	31 May, 1888	5	—	107
,,	Jurisdiction, Boundaries	9 Oct., 1888	5	—	110
Ichaboe and Penguin Islands	British Occupation. Ichaboe Island	21 June, 1861	19	—	165
,, ,,	Included in British Dominions (not confirmed)	12 Aug., 1861	19	—	165
,, ,,	British Occupation. Penguin Islands	5 May, 1866	19	—	166
,, ,,	Annexation of Ichaboe and Penguin Islands to Cape Colony	16 July, 1866	19	—	166
,, ,,	Letters Patent. Authority to Cape to annex	27 Feb., 1867	19	—	166
,, ,,	Annexed to Cape Colony (in error)	26 June, 1873	19	—	166
,, ,,	Annexed to ditto under Letters Patent	6 July, 1874	19	—	166
,, ,,	German Annexation of Coast. Cape Frio to Orange River (except Walfisch Bay)	16 Aug., 1884	211	—	691
,, ,,	German Protectorate, ditto	8 Sept., 1884	211	—	691
,, ,,	Conditional German Sovereignty. See also Cape Colony.	15 July, 1886	262	4	878
Idutywa Reserve	Annexation to Cape Colony See also Cape Colony.	12 June, 1876	19	—	164
Ifé	(Lagos). Non-cession of Territory. Boundaries, &c.	22 May, 1888	5	—	106
Igbessa	(Lagos). Non-cession of Territory. Boundaries, &c.	15 May, 1888	5	—	105
Igwe	Included in Uganda	10 Mar., 1900	89	1	397
Ikankan	Waterway. Rio del Rey Boundary	14 April, 1893	273	1	910
Ikorodu	Ceded to Lagos	1894	5	—	110
Ilaro	(Lagos). Non-cession of Territory. Boundaries, &c.	21 July, 1888	5	—	108
,,	,, British Protectorate	21 July, 1888	5	—	108
Imperial	British East Africa Company ("Ibea"). See British East Africa Company.				
Import Duties	"Berlin Act"	26 Feb., 1885	128	3, 4	472

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Import Duties	"Brussels Act" ..... See also Congo Basin, and Separate Countries.	2 July, 1890	130	—	517
Injaha	See Jebel Injaha.				
Inland	Frontiers. See Hinterland.				
Insuaim	Ferry. Berim River. See Kotoku.				
Intoxicating Liquors	See Spirituous Liquors.				
Inyack	Island. See Delagoa Bay.				
Iombo	See Tombo.				
Isango River	Lake Albert. See Semliki.				
Isle of France	(Mauritius). Cession to Great Britain	30 May, 1814	219	8	714
Isles de Los	Cession to Great Britain	6 July, 1818	2	—	27
,,	British Possession	28 June, 1882	224	2	724
,,	Cession to France	8 Apr., 1904	251	6	817
,,	Attached to Government of French West Africa	4 July, 1905	190	—	642
Issa Somalis	Treaty. French Protection	26 Mar., 1885	188	—	633
Italian Somaliland	See Italy (Benadir).				
Italy	And Abyssinia, Assab, Aussa, Danakils, and Shoa :—				
	Protection. Danakil Coast	15 Mar., 1883	112	8	448
	Sovereignty. Ditto	9 Dec., 1888	119	2	452
	Protectorate. Ditto (Aussa)	6 Dec., 1889	123	—	458
	Occupation of Massowah	3 Feb., 1885	114	—	450
	Protectorate over Zula	2 Aug., 1888	118	—	452
	Relations. Ethiopia	10 Feb., 1859	104	—	446
	Foreign Relations. Ethiopia	2 May, 1889*	120	17	455
	Recognition. King Menelek of Ethiopia	1 Oct., 1889	121	1	456
	Recognition. Ethiopia. Italian Possessions. Red Sea.....	1 Oct., 1889	121	2	456
	Jurisdiction. Ethiopia	1 Oct., 1889	121	9	457
	Conduct. Foreign Affairs. Ethiopia	12 Oct., 1889†	122	—	457
	Boundaries. Ethiopia	2 May, 1889*	120	3	454
	Ditto, ditto	1 Oct., 1889	121	3	456
	Ditto, ditto	26 Oct., 1896	124	4	459
	Ditto, ditto	10 July, 1900	125	—	460
	Ditto, ditto	15 May, 1902	100	1	433
	Ditto, ditto. Italian Somaliland	16 May, 1908	380	—	1223
	Ditto, ditto. Eritrea	16 May, 1908	381	—	1225
	See also Abyssinia. Aussa. Danakils.				

* This Treaty was annulled by the Treaty of 26th October, 1896.

† These rights were acquired under the Treaty of 2nd May, 1889, which was, however, annulled by the Treaty of 26th October, 1896.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Italy	Protectorate over portions of East Coast of Africa. Notification	19 Nov., 1889	350	—	1125
,, ...	Notification. Italian Protectorate over Sultanate of Oppia. (Amended 20 May, 1889)	2 Mar., 1889	348	—	1123
,, ...	Notification (Amended). Italian Protectorate over Sultanate of Oppia, &c.	20 May, 1889	349	—	1124
,, ...	List of Treaties. Native Chiefs East Africa	1884—1904	330	—	1086
,, ...	And Congo. Recognition. Association	19 Dec., 1884	166	12	588
,, ...	And Egypt. Boundary. The Baraka and Red Sea. Semi-nomadic Tribes on Frontier	25th June / 7th July, 1895	338	—	1108
,, ...	,, Act. Cession by Italy to Egypt of Fort of Kassala	25 Dec., 1897	339	—	1109
,, ...	,, Agreement. Frontier north of Colony of Eritrea	7 Dec., 1898	340	—	1110
,, ...	,, Agreement. Grazing Taxes in Eritrea. Tribes under Egyptian Government	7 Dec., 1898	341	—	1111
,, ...	,, Agreement. Frontier. Anglo-Egyptian Soudan and Eritrea (Ras Casar to Sabderat)	1 June, 1899	342	—	1113
,, ...	,, Agreement. Frontier. Anglo-Egyptian Soudan and Eritrea (Sabderat to Todluc)	16 Apr., 1901	343	—	1115
,, ...	,, Declaration. Great Britain and Italy. Soudan - Eritrean Frontier	22 Nov., 1901	291	—	952
,, ...	,, Description. Boundary Line. Anglo-Egyptian Soudan and Eritrea	18 Feb., 1903	344	—	1117
,, ...	,, Procès - Verbal. Anglo - Egyptian Soudan and Eritrea (Gabei Keli and Teflenait)	19 Jan., 1904	345	—	1118
,, ...	And Ethiopia. See above.				
,, ...	And France. Possessions. Coastal Regions of Red Sea and Gulf of Aden	24th Jan., 1900.	200	—	663
,, ...		10th July, 1901.	201	—	664
,, ...	And Great Britain. Notes. Surveillance. Coast of Red Sea. Ras Kasar fixed as Limit.....	24 / 31 May, 1887	286	—	946

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Italy	And Great Britain. Abolition of British Consular Jurisdiction at Massowah	17 Aug., 1888	287	—	947
„	„ Agreement. Great Britain, Germany, and Italy. Tariff of Eastern Zone of Conventional Basin of Congo	22 Dec., 1890	131	—	518
„	„ British and Italian Spheres of Influence in Eastern Africa. River Juba to Blue Nile	24 Mar., 1891	288	—	948
„	„ British and Italian Spheres of Influence. Ras Kasar to Blue Nile	15 Apr., 1891	289	—	949
„	„ British and Italian Spheres of Influence in Regions in Eastern Africa	5 May, 1894	290	—	951
„	„ Soudan - Eritrean Frontier [For Local Agreements relating to the Frontier between the Anglo-Egyptian Soudan and the Italian Colony of Eritrea, see Eritrea.]	22 Nov., 1901	291	—	952
„	„ Treaty. Great Britain, Italy and Ethiopia. Frontiers between Ethiopia and Eritrea and Soudan and Eritrea	15 May, 1902	100	—	433
„	„ Notes. Frontier. Abyssinia and East Africa Protectorate	29 Jan., / 9 Feb., 1903	292	—	953
„	„ Purchase by Italy of Benadir Coast, and Abandonment of Ex-territorial Rights in Zanzibar	13 Jan., 1905	293	—	954
„	„ Lease to Italy of Land near Kismayu	13 Jan., 1905	294	—	958
„	„ Agreement. Great Britain, France and Italy. Abyssinia	13 Dec., 1906	102	—	436
„	„ Notes. Italian Agreement of 1905 with Seyid Mahamed-bin-Abdulla	19 Mar., 1907	295	—	961
„	And Migertini. Treaty. Italian Protection	7 Apr., 1889	346	—	1119
„	„ Declarations. Adhesion of Sultan of Migertini to "Brussels Act," 1890	16th Nov., 1894. / 7th Apr., 1895.	—	—	1119

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Italy	And Migertini. Provisional Administration by Sultan of Oppia of Migertini Ports	10 Apr., 1901	—	—	1120
,, ...	,, Convention. Italian Protection	18 Aug., 1901	—	—	1120
,, ...	And Nogal. Agreement. Sheikh Mohammed-ben-Abdullah (Mullah). Peace and Protection	5 Mar., 1905	347	—	1120
,, ...	And Oppia. See Oppia.				
,, ...	And Shoa. See Abyssinia.				
,, ...	And Spain. Spanish Naval Station at Assub Bay	Dec., 1887	361	—	1168
,, ...	And Zanzibar. Consular Jurisdiction, &c.	28 May / 10 Oct., 1885	55	—	322 / 324
,, ...	,, Cessation of Italian Consular Jurisdiction	5/9 July, 1905	56	—	325
Italy (Benadir)*	British East Africa Company and Italy Agreement. Concession of Kismayu, Brava, Meurka, Magadisho, and Warsheikh to be made by Company to Italy when conceded by Zanzibar to Company	3 Aug., 1889	331	—	1088
,, ,,	Transfer by British East Africa Company to Italy of Company's rights over Brava, Meurka, Magadisho, and Warsheikh. Joint occupation of Kismayu	18 Nov., 1889	332	—	1091
,, ,,	Notification. Italian Protectorate over portions of East Coast of Africa	19 Nov., 1889	350	—	1125
,, ,,	Concession. Sultan of Zanzibar to British East Africa Company. Kipini to Mruti. Lamu. Manda. Patta. Kwyho. Benadir Ports :— Kismayu, Brava, Meurka, Magadisho, and Warsheikh ..... (Amended by Agreement of 5th March, 1891.)	4 Mar., 1890	68	—	362
,, ,,	Consent of Sultan of Zanzibar to arrangements between Company and Italy. Benadir Ports	5 Mar., 1890	—	—	363

* Now organized under the title of Italian Somaliland.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Italy (Benadir)*	Concession granted by Zanzibar to British East Africa Company of administration of Ports north of Kismayu and of Brava, Meurka, Magasdisho, and Warsheikh, transferred (to Italy	8 Apr., 1890	333	—	1094
„ „	Modification by Sultan of Zanzibar of Concession to British East Africa Company of 4th March, 1890. Wanga to Kipini; Lamu, Manda, Patta and Kismayu conceded to Company "in perpetuity." Benadir Ports:—Brava, Meurka, Magadisho, Warsheikh, and Mruti undisturbed	5 Mar., 1891	70	—	365
„ „	Concession by Zanzibar to Italy of Benadir Ports:—Brava, Meurka, Magadisho, and Warsheikh	12 Aug., 1892	334	—	1094
„ „	Supplementary Agreement. Italy and Zanzibar. Provisional Administration of Benadir Ports for three years by Italian Government	15 May, 1893	335	—	1100
„ „	Additional Article. Italy and Zanzibar. To Agreement of 12th August, 1892. Rent to be paid by Italian Government	1 Sept., 1896	336	—	1103
„ „	Convention. Italian Government and Commercial Company of Benadir. Administration of Benadir territories by Company	25 May, 1898	337	—	1104
„ „	Agreement. Great Britain and Italy. Purchase by Italy from Zanzibar Government of Benadir Coast	13 Jan., 1905	293	—	954
„ „	Decree. Organization of Italian Somaliland (Benadir)	5 Apr., 1908	378	—	1214
„ „	Convention. Italy and Ethiopia. Frontier. Italian Somaliland and Abyssinia	16 May, 1908	380	—	1223

* Now organized under the title of Italian Somaliland.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Italy (Benadir)*	See also Benadir Ports (and Coast). See also Beilul, Benadir Ports, Gambo-Kona, Gubbi, Ras Dermah, and Torni.				
Itang	See Baro River.				
Itebu	(Lagos). Non-cession of Territory. Boundaries, &c.	28 May, 1888	5	—	106
,,	Jurisdiction, Boundaries	9 Oct., 1883	5	—	110
Ivory Coast	French Protectorates	1891—1892	351	—	1133
,,	Extension of French territory	1891—1892	233	—	745
,,	France and Liberia. Boundary	8 Dec., 1892	351	—	1134
,,	Renunciation by Liberia. East of Cavally River See also French West Africa.	8 Dec., 1892	351	3	1135
Jakri	(Lagos). British Protection	16 July, 1884	5	—	100
,,	,, ,, Do. and Sovereignty See also Lagos.	5 Feb., 1886	5	—	103
James, Fort	(Albreda). Guaranteed to Great Britain	3 Sept., 1783	218	10	713
Jarra	British Sovereignty	11 Oct., 1887	1	—	19
Jassin	Anglo-German Boundary, &c.	Jan., April, 1900	278	—	921
Jebel Injaha	Frontier. Eritrea and Anglo-Egyptian Soudan. Boundary Marks	18/19 Dec., 1907	377	—	1213, 1214
Jella-Coffee	British Occupation	22 June, 1874	3	—	66
Jibuti	Concession. Abyssinia. Jibuti-Harrar Railway	9 Mar., 1894	126	—	461
,,	Agreement. Great Britain, France and Italy. Railway. Jibuti-Diré Dawa-Adis Ababa See also Ras Jiburti.	13 Dec., 1906	102	6—8	438
Jinnak Creek	North of the Gambia. British and French Limits	10 Aug., 1889	226	1, § 1 Annex 2 §§ 1, 2	729 734
Jipe, Lake	British and German Spheres of Influence	29 Oct., 1886	264	3	883
,,	,, ,, ,,	1 Nov., 1886	264	3	885
,,	,, ,, ,,	3—4 Dec., 1886	41	3	305 307
,,	,, ,, ,,	1 July, 1890	270	1, § 1	899
,,	,, ,, ,,	27 Oct., 1892 / 24 Dec.,	272	—	909
,,	,, ,, ,,	25 July, 1893	274	—	911
Johanna	French Protectorate	21 April, 1886	192	—	646
,,	,,	26 June, 1886	193	—	647
,,	,, See also Comoro. Mohilla.	15 Oct., 1887	193	—	646

* Now organized under the title of Italian Somaliland.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Jolah	British Sovereignty and Protection	15 Sept., 1887	1	—	18
Juba River	Territory north of. See Benadir Ports.				
,,	To Kismayu. Coast	31 July, 1885	210	—	688
,,	Navigation by Italy	3 Aug., 1889	331	5	1090
,,	To Confines of Egypt. British and German Spheres	1 July, 1890	270	2	901
,,	Kismayu and Witu, Territories between. British Protectorate	19 Nov., 1890	69	—	364
,,	To Blue Nile. British and Italian Spheres	24 Mar., 1891	288	—	948
Jurisdiction	See Consular Jurisdiction.				
Kabilai	German Recognition. French Rights	24 Dec., 1885	195	3	655
Kabinda	See Cabinda.				
Kaffraria	Treaties. Kafir Chiefs. Congo, Gaika, and T'Slambie	1835—1836	19	—	163, 164
,,	Incorporation with Cape Colony. See also Cape Colony.	27 Mar., 1865	19	—	164
Kaffu-Bulloms	Cessions to Great Britain	8—10 Mar., 1827	2	—	35
,,	,, ,, ,, ,,	29 Nov., 1847	2	—	38
Kalabat	Egyptian Administration. Eastern Soudan	30 Nov., 1881	178	—	616
,,	Egyptian Evacuation. See also Gallabat.	July, 1884	178	—	617
Kalahari	British Sphere of Influence. See also Bechuanaland Protectorate.	1 July, 1890	270	3	902
Kambia	(Sierra Leone) Limits	26 Dec., 1851	2	—	39
,,	,, ,, ,,	10 June, 1861	2	—	41
,,	And Falabah (Sierra Leone). English Road. See also Scarcies, Great.	10 Aug., 1889	226	Annex 1	733
Kansallah	See Jolah and Fogni.				
Karera, Mount	See Barné.				
Kassala	Egyptian Evacuation	3 June, 1884	98	2	422
,,	,, ,,	July, 1884	173	—	617
,,	Right of Italy to occupy temporarily	15 April, 1891	289	2	949
,,	To Metemma. Free Passage. Italians	15 April, 1891	289	4	950
,,	Cession of Fort by Italy to Egypt	25 Dec., 1897	339	—	1109
Katanu	See Kotonu.				
Katima Rapids	Upper Zambesi. Boundary. Germany and Portugal	30 Dec., 1886	216	1	703
,, ,,	Great Britain and Portugal	11 June, 1891	310	4	1019
,, ,,	,, ,, ,, See also Zambesi, Upper.	May—June, 1893	311	5	1028
Kau	Zanzibar Possession	9 June, 1886	261	7	876
,,	,,	Oct.—Nov., 1886	264	1	882, 885

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Kau	Zanzibar Possession	3, 4 Dec., 1886	41	1	304
Kayaye	(Gambia). British Military Post Opposite	29 May, 1827	1	7	10
Ketu	(Lagos). Non-cession of Territory, Boundaries, &c.	29 May, 1888	5	—	106
„	„ British Protectorate	29 May, 1888	5	—	107
Khama's Country	See Bechuanaland.				
Khor Um Hagar	Frontier. Soudan-Eritrea	22 Nov., 1901	291	—	952
„ „	„ Soudan-Ethiopia	15 May, 1902	100	1	431
„ „	„ Soudan - Eritrea-Ethiopia	15 May, 1902	100	1, 2	433
Kiang	See Central Kiang.				
Kikonkeh	See Yelboyah.				
Kikounya	Zanzibar Possession. See also Zanzibar. Limits.	9 June, 1886	261	4	875
Kikuyu	British Administration	1 July, 1895	76	—	380
Kilambo	River. British and German Spheres of Influence	1 July, 1890	270	1, §§ 2, 3	900
Kilange	See Kilunga.				
Kilimanjaro Districts	Treaties. German East Africa Company	May—July, 1885	210	—	685
„ „	Charter. Ditto	17 Feb., 1885	209	—	681
„ „	Rival claims. Ditto and Zanzibar	1885	210	—	685
„ „	„ „ „	Oct.—Nov., 1886	264	4	883, 886
„ „	Withdrawal of Zanzibar claims	3, 4 Dec., 1886	41	4	305, 308
„ „	British and German Limits	Oct.—Nov., 1886	264	3	883, 885
„ „	„ „ „	1 July, 1890	270	1	899
„ „	„ „ „	24 Dec., 1892	272	—	909
„ „	„ „ „	25 July, 1893	274	—	911
Kilunga River	Anglo-German Boundary. Yola to Lake Chad	19 Mar., 1906	284	3	938
Kilwa Island	Lake Moero. British Possession	12 May, 1894	163	1(*b*)	578
Kilwa-Kiswani	Zanzibar Possession	9 June, 1886	261	3	875
„	German Possession	27, 28 Oct., 1890	271	—	907
Kilwa-Kivingi	Zanzibar Possession	9 June, 1886	261	3	875
„	German Possession	27, 28 Oct., 1890	271	—	907
Kipini	Zanzibar Possession	9 June, 1886	261	7	876
„	To Kismayu. (Tana River.) Withdrawal of German Protectorate	1 July, 1890	270	2	901
„	„ British Protectorate	19 Nov., 1890	69	—	364
„	„ Administration by British East Africa Company	20 Mar., 1891	73	—	372

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Kipini	To Manda Bay. Witu Coast line	3, 4 Dec., 1886	41	5	306, 308
,,	To Minengani River (Tunghi Bay) Zanzibar Possession	Oct.—Nov. 1886	264	1	882, 884
,,	,, ,,	3/4 Dec., 1886	41	1	304
,,	To Mruti. Lease. Zanzibar to British East Africa Company (Except Witu)	31 Aug., 1889	66	1	359
,,	,, Concession. Ditto	4 Mar., 1890	68	—	362
,,	,, Ditto. Confirmed	5 Mar., 1891	70	—	365
,,	To Wanga. See Wanga to Kipini.				
,,	To Witu. Coast between. See Witu.				
,,	See also Minengani River, Tana River, Tunghi, Witu, and Zanzibar Limits				
Kisijou	Zanzibar Possession	9 June, 1886	261	4	875
	See also Zanzibar. Limits.				
Kismayu	To Juba River. Coast between	31 July, 1885	210	—	688
,,	Sovereignty of Zanzibar	9 June, 1886	261	8	876
,,	,, ,,	Oct.—Nov., 1886	264	1	882, 885
,,	,, ,,	3, 4, Dec., 1886	41	1	304
,,	Joint occupation. British East Africa Company and Italy	3 Aug., 1889	331	1	1088
,,	,, ,, ,,	18 Nov., 1889	332	—	1091
,,	,, ,, ,,	8 April, 1890	333	—	1094
,,	Administration by British East Africa Company	31 Aug., 1889	66	1	359
,,	Concession. Zanzibar to British East Africa Company	4 Mar., 1890	68	1	362
,,	,, In perpetuity	5 Mar., 1891	70	—	365
,,	German Protectorate over Coast up to Kismayu withdrawn	1 July, 1890	270	11	906
,,	To remain to England. British and Italian Spheres	24 Mar., 1891	288	1	948
,,	Lease to Italy of Land near Kismayu	13 Jan., 1905	294	—	953
	See also Kipini to Kismayu, Wanga to Kipini, and Wanga to Kismayu.				
Kismu	See East Africa Protectorate				
Kiwhyu	See Kwyhoo.				
Kommbo	See Combo.				
Koki	Boundary. Uganda	18 June, 1894	86	—	395
Komadugu.	Anglo-French Frontier. East of Niger	8 April, 1904	251	8	818
,,	,, ,, ,,	29 May, 1906	256	1	845

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Komadugu	Equal fishing rights	8 April, 1904	251	8	819
Kombo	See Combo.				
Kordofan	Egyptian Province	13 Feb., 1841	178	—	614
,,	Excluded from German Sphere	15 Nov., 1893	275	4	914
Kor Kakamot	(Hahamot). British and Italian Spheres	15 April, 1891	289	1	949
Kor Lemsen	British and Italian Spheres	15 April, 1891	289	1	949
Kosi	Included in Uganda	10 Mar., 1900	89	1	398
Kotoku	Berim River. Insuaim Ferry	2 June, 1888	3	—	71
Kotonu	Seashore ceded to France	1864	194	—	647
,,	Territory ceded to France	19 May, 1868	194	—	647
,,	,, ,, ,,	19 April, 1878	194	7	647
,,	French Protection	10 Aug., 1889	226	4, § 3	732
,,	French Protectorate acknowledged	3 Oct., 1890	194	—	651
,,	See also Gold Coast.				
Kowe	(Togoland). In German Sphere	Dec., 1887	268	—	890
Krepi	See Crepee.				
Krikor	(Gold Coast.) Boundaries	12 Nov., 1885	3	—	69
Krim Country	(Sierra Leone). Cession of portion to Great Britain	5 June, 1883	2	—	53
,,	,, ,, ,,	21 Oct., 1883	2	—	53
Kubango	River. Boundary. Germany and Portugal.	30 Dec., 1886	216	1	703
Kuilu	River. Congo and Portugal Limits	25 May, 1891	170	1, § 1	593
	See also Niadi Quillou.				
Kukawa	Anglo-German Boundary. Yola to Lake Chad	19 Mar., 1906	284	7	938
Kunama	See Canama.				
Kunene	River. Boundary. Germany and Portugal.	30 Dec., 1886	216	1	703
Kwaia	See Quiah.				
Kwango	Frontier. Portugal and Congo	24 Mar., 1894	172	—	597
	See also Eastern Kwango.				
Kwarra River	See Niger River.				
Kwyhoo	Leased by Zanzibar to British East Africa Company	31 Aug., 1889	66	1	359
,,	Kipini to Point Opposite. Sovereignty of Witu	1 July, 1890	270	2	901
,,	Point opposite to Kismayu. German Protectorate withdrawn	1 July, 1890	270	2	901
	See also Lamu.				
Lado	Enclave. Great Britain and Congo	12 May, 1894	163	3	579
,,	,, ,, ,,	9 May, 1906	165	1	584
,,	Railway. Congo Frontier to Lado	9 May, 1906	165	4	585
Lagos	Grant of land to Church missionary Society	1 Mar., 1852	5	—	91
,,	Cession to Great Britain of Port and Island	6 Aug., 1861	5	—	93
,,	British occupation	6 Aug., 1861	5	—	95
,,	Lagos, &c., united to Sierra Leone (revoked)	19 Feb., 1866	5	—	99

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Lagos	Included in Gold Coast Colony	24 July, 1874	5	—	99
,,	A separate Colony	13 Jan., 1886	5	—	103
,,	British Protectorate. Odi to Benin River	5 Feb., 1886	5	—	103
,,	Treaties, &c., Great Britain	1851—1894	5	—	89
,,	Lagos Protectorate (Territories adjacent to Colony)	29 Dec., 1887	5	—	110
,,	,, ,, ,,	27 Dec., 1899	5	—	111
,,	Southern Nigeria Protectorate	16 Feb., 1906	5	—	111
,,	Designation of Colony altered to Southern Nigeria	28 Feb., 1906	5	—	111
,,	Notes on Lagos	1851—1908	5	—	91
	See also Nigeria, Southern				
Lahou	See Cavally River.				
Lamu	(Or Lamou) Island. Zanzibar Possession	9 June, 1886	261	7	876
,,	,, ,, ,,	Oct.,—Nov., 1886	264	1	882—884
,,	,, ,, ,,	3—4 Dec., 1886	41	1	304
,,	Belgian Award	17 Aug, 1889	269	—	891
,,	Leased by Zanzibar to British East Africa Company	31 Aug., 1889	66	1	359
,,	,, Concession. Zanzibar to British East Africa Company (for 50 years). Lamu, &c.	4 Mar., 1890	68	1	362
,,	Leased by Zanzibar to British East Africa Company. Ditto, ditto. Modified. "In perpetuity"	5 Mar., 1891	70	—	365
	See also Wanga to Kipini, and Zanzibar Limits.				
Lande, River	See Lunte.				
Landways	Transit. Persons and Goods	14 Nov., 1890	309	2	1015
,,	,, ,,	11 June, 1891	310	12	1022
Lease	Ethiopia to Soudan. Baro River (Itang)	15 May, 1902	100	4	432
,,	Great Britain to Congo. Lado Enclave	12 May, 1894	163	3	579
,,	,, ,,	9 May, 1906	165	1	584
,,	Great Britain to France. Niger. (Doko River)	20 May, 1903	248	—	812
,,	,, ,, (Forcados River)	20 May, 1903	249	—	814
,,	Great Britain to Italy (near Kismayu)	13 Jan., 1905	294	—	958
,,	Great Britain to Portugal. Leopard's Bay (Lake Nyasa)	7 May, 1892	310	—	1026
,,	,, Rhoades Bay (Lake Nyasa)	12 Jan., 1901	321	—	1071
,,	Portugal to British Company. Chinde River	20 Aug., 1890	308	13	1012

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Lease	Portugal to British Government. Chinde River	11 June, 1891	310	—	1025
,,	,, ,, ,,	7 May, 1892	310	—	1026
,,	,, ,, ,, Extension	12 Sept., / 27 Dec., 1898	Note	—	1026
,,	Zanzibar to British East Africa Company. Territory	31 Aug., 1889	66	—	359
,,	,, ,, ,,	5 Mar., 1891	70	—	365
,,	Zanzibar to German African Company. Customs (Dar-es-Salaam)	Oct.-Nov., 1886	264	2	883
Leckie	Part of Lagos	7 Feb., 1863	5	—	95
	See also Lagos.				
Lemain Island	Gambia. Cession to Great Britain	14 April, 1823	1	—	7
Leopard Bay	Lake Nyasa. Lease of land to Portugal	7 May, 1892	310	—	1026
	See also Chipole.				
Les Sechelles	Cession to Great Britain	30 May, 1814	219	8	714
Liberia	Independent Republic	26 July, 1847	351	—	1130
,,	And Great Britain. Recognition of Independence	March, 1848	351	—	1130
,,	Maryland	1831—1856	351	—	1131
,,	,, annexed to Liberia	19 Feb., 1857	351	—	1132
,,	Accession to "Brussels Act"	25 Aug., 1892	351	—	1135
,,	Submission of Chiefs of Cape Palmas, &c.	1 Mar., 1876	351	—	1130
,,	Submission of Greboes	23 Sept., 1893	351	—	1136
,,	Submission of Cavalla	10 Nov., 1893	351	—	1136
,,	And Congo. Commercial Intercourse. Most-Favoured-Nation Treatment	15 Dec., 1891	167	—	588
,,	And France. Boundaries	8 Dec., 1892	351	1	1134
,,	,, Hire of Labourers	8 Dec., 1892	351	4	1135
,,	Extension of French Limits	1891, 1892	233	—	745
,,	And France. Settlement of Frontier	18 Sept., 1907	353	—	1140
,,	And Great Britain. Boundaries, &c.	11 Nov., 1885	351	—	1132
,,	,, ,, ,,	25 June, 1903	352	—	1136
,,	And United States. Relations	1862—1887	351	—	1130
,,	Notes on Liberia and Maryland	1816—1907	351	—	1130
,,	Accession. Liquor Traffic Convention	8 June, 1899	136	Note	529, 533
Libreville	See Corisco Bay.				
Limpopo River	Transit. Persons and Goods	11 June, 1891	310	12	1022
,,	To Sabi River. Anglo-Portuguese Boundary	11 June, 1891	310	Note	1018
,,	Delimitation	21 Dec., 1903 / 19 July, 1904	325	—	1073
,,	,,	3 June, 1907	329	—	1078
Lindi	Zanzibar Possession	9 June, 1886	261	3	875
,,	German Possession	27, 28 Oct., 1890	271	—	907

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Lingira Islands	Included in Uganda	10 Mar., 1900	89	1	397
Little Batanga	German Protectorate	15 Oct., 1884	212	—	693
Little Free State	Inclusion in South African Republic	24 July 2 Aug., 1890	28	24	243
Little Popo	British Protection	25 Sept., 1884	3	—	68
„	German Protectorate. French recognition.	24 Dec., 1885	195	2	654
„	„ „ „	1 Feb., 1887	196	—	655
Loango	See Chiloango.				
Loangwa River	See Aroangwa.				
Loco Marsamma	Cessions to Great Britain.	8—10 March, 1827	2	—	35
„ „	„ „ „	29 Nov., 1847	2	—	37
„ „	„ „ „	10 June, 1876	2	—	48
Loema	Or Louisa Loanga. Guinea Coast. France and Portugal. See also Chiloango.	12 May, 1886	208	3	675
Logogne, River	Free Navigation. French and German Territories	18 April, 1908	379	2	1218
Lo Magundi	Bechuanaland Gold Fields	27 June, 1891	22	7	193
Lome Harbour	(Togo). German Protectorate	15 Oct., 1884	212	—	693
Long Island	See Ichaboe Island.				
Lorenço Marquez	Railway	11 Dec., 1875	30	—	247
	„ See also Delagoa Bay.	17 May, 1884	30	—	249
Los, Isles de	See Isles de Los.				
Lower Umfati	Bechuanaland Gold Fields	27 June, 1891	22	7	193
Luango Luce	See Chiloango.				
Luapula	River. Great Britain and Congo	12 May, 1894	163	1 (*b*)	578
Luculla River	Congo Limits	1 Aug., 1885	145	—	552
„	Congo and Portugal	14 Feb., 1885	169	—	591
„	„ „	25 May, 1891	171	2	594
Lufu	Included in Uganda	10 Mar., 1900	89	1	397
Lugh-Bardera	Italian Protection	3 Apr., 1893	330	—	1086
„	„ „	9 June, 1893			
„	Declaration. Great Britain, France, and Italy	13 Dec., 1906	102	—	444
Lukoja	(Niger). British Protectorate	5 June, 1885	8	—	123
„	Notes on Lukoja	1866—1869	6	—	116
Lukomo Island	Lake Nyassa. British	May—June, 1893	311	4	1028
Lumi	(Or Lume) River. British and German Spheres	Oct.—Nov., 1886	264	3	883, 885
„	„ „ „	1 July, 1890	270	1	899
Lunda	Region. Portugal and Congo. Limits	25 May, 1891	170	—	592
„	„ „	24 Mar., 1894	172	—	596
Lundi River	See Lunte, River.				
Lunte River	British and Portuguese Spheres	11 June, 1891	310	2	1018
„	And parallel of Fort Charter. British Jurisdiction	27 June, 1891	22	—	192
Lunte and Shashi Rivers	British Jurisdiction between	27 June, 1891	22	—	192

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Ma Bwetie .... Macbatees	See Scarcies (Great).				
Machinga	British Protectorate	21 Sept., 1889	38	—	289
Macloutsie River	See Shashi and Macloutsie Rivers.				
Madagascar	List of Annexations by France of Madagascar Territory and Islands	1750—1860	202	—	664
„	Treaty. British Consular Jurisdiction. Suppression of Piracy and the Slave Trade, &c.	27 June, 1865	203	—	665
„	And France. Treaty. French Consular Jurisdiction, &c.	8 Aug., 1868	204	—	668
„	„ „ „	17 Dec., 1885	205	4	671
„	„ Representation of Foreign Relations	17 Dec., 1885	205	2	670
„	„ Defence of Madagascar Territory	17 Dec., 1885	205	11	671
„	„ Declaration. Maintenance of Treaties with Madagascar. British rights confirmed	27 Dec., 1885	206	—	672
„	French Protectorate recognised by Great Britain	5 Aug., 1890	229	—	738
„	Ditto recognised by Germany	17 Nov., 1890	197	—	656
„	Application to, of "Brussels Act"	2 Jan., 1892	133	—	525
„	Declared a French Colony.... See also Diego Suarez Bay, and names of other places and Islands occupied by France.	6 Aug., 1896	207	—	673
Mafia	Island. Zanzibar Possession	9 June, 1886	261	4	875
„	Zanzibar Limits	Oct.—Nov., 1886	264	1	882—884
„	„ „	3—4 Dec., 1886	41	1	304
„	German Possession	27, 28 Oct., 1890	271	—	907
„	Ditto recognised by France	17 Nov., 1890	197	—	656
„	Excepted from British Protectorate of Zanzibar	4 Nov., 1890	43	—	310
Magadisho	Zanzibar Limits ..... See also Benadir Ports.	9 June, 1886	261	8	876
Mahafales	(Madagascar). French Protectorate	10 Aug., 1859	202	—	665
Mahagi	Port. Lake Albert	12 May, 1894	163	2	579
Mahela	Point and Factory. British and French Boundary north of Sierra Leone	28 June, 1882	224	1	723
„	„ „ „	10 Aug., 1889	226	Annex 2	735
Mahin	British Protectorate	24 Oct., 1885	5	—	102

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Mahin	British Sovereignty and Protection	5 Feb., 1886	5	—	103
Mahin Beach	Cession to Great Britain	24 Oct., 1885	5	—	100
„	British Sovereignty and Protection	5 Feb., 1886	5	—	103
Mahinga Kiswere	See Mchinga Kiswere.				
Mahomadou	Town. Liberian Possession	8 Dec., 1892	351	1, § 3	1134
Mai Ambessa	Frontier. Ethiopia and Eritrea	15 May, 1902	100	1	433
Maieteb, River	Frontier. Ethiopia and Eritrea	15 May, 1902	100	1	433
Makololo	British Protectorate	21 Sept., 1889	38	—	289
Makona River	Boundary. French West Africa and Liberia	18 Sept., 1907	353	1	1140
Malimba	German Protectorate	15 Oct., 1884	212	—	693
Malindi	Zanzibar Possession ..... See also Zanzibar Limits.	9 June, 1886	261	7	876
Mambrui.....	Zanzibar Possession	9 June, 1886	261	7	876
Mamprusi	See Gambaga.				
Mana Bagroo	(Sherbro.) Cession to Great Britain	9 Nov., 1861	2	—	44
Manda	Island. Cession to German Company	2 Sept., 1885	210	—	688
„	Leased by Zanzibar to British East Africa Company	31 Aug., 1889	66	1	359
„	Refusal of Germany to recognise East Africa Company	20 Dec., 1889	210	—	690
„	Zanzibar. Concession to British East Africa Company	4 Mar., 1890	68	1	362
„	Withdrawal of German claim to	1 July, 1890	270	2	901
„	British Protectorate	19 Nov., 1890	69	—	364
Manda Bay	To Kipini. See Kipini to Manda Bay.				
„	Administration of Islands in, by British East Africa Company for Zanzibar	31 Aug., 1889	66	—	359
„	British Protectorate	19 Nov., 1890	69	—	364
Mandingo	Cessions to Great Britain.....	30 Dec., 1825	2	Note	35
Mani River.....	See Muni.				
Manica District	British Jurisdiction	27 June, 1891	22	8	193
Manica Plateau	British and Portuguese Spheres	11 June, 1891	310	2	1018
„	Ditto. Referred to Arbitration	7 Jan., 1895	312	—	1030
„	Award. Dispute. Manica Arbitration	30 Jan., 1897	315	—	1036
„	Delimitation	June—Dec., 1898	318	—	1069
„	„	3 June, 1907	329	—	1078
Mannah	(Liberia.) Purchase of Territories by Great Britain	11 Nov., 1885	351	3—4	1132
Manyanga	Congo Limits	1 Aug., 1885	145	—	552
„	Region. France and Congo	22 Nov., 1885	154	—	566

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Maputaland	See Tongaland.				
Maputo River....	Portuguese Sphere of Influence	11 June, 1891	310	2, 3	1018
„	British and Portuguese Boundary. Tongaland	Sept.—Oct. 1895	313	—	1033
„	„ „ „ See also Tongaland.	2 Oct., 1897	316	—	1067
Mareb, River....	Frontier. Italy and Abyssinia	26 Oct., 1896	124	4	459
„	„ „ „	15 May, 1902	100	1	430
Marimba	British South Africa Company. Mining rights	24 Nov., 1894	36	6	281
Maritime Zone	Congo. "Berlin Act"	26 Feb., 1885	128	1, § 2	471
„	Slave Trade. "Brussels Act"	2 July, 1890	130	20—21	499
Maroti.....	See Mruti.				
Maryland	Notes on	1831—1856	351	—	1131
„	Annexed to Liberia	19 Feb., 1857	351	—	1132
Mashonaland	British Jurisdiction	27 June, 1891	22	1 (b)	192
Massah	Cession of portion to Great Britain	5 June, 1883	2	—	53
Massi-Kessi	(Portuguese.) British and Portuguese Spheres....	11 June, 1891	310	2	1018
„	„ „ „ See also Manica Plateau (Award).	7 Jan., 1895	312	—	1030
Massowah	Egyptian Administration	May, 1865	178	—	614
„	„ „	27 May, 1866	178	—	614
„	„ „	8 June, 1873	178	—	615
„	„ „	2 Aug., 1879	178	—	616
„	„ „	30 Nov., 1881	178	—	616
„	„ „	2 Dec., 1883	178	—	616
„	Italian occupation	3 Feb., 1885	114	—	450
„	Abolition. British Consular Jurisdiction	17 Aug., 1888	287	—	947
Matabeleland	Boundary. South African Republic	3 Aug., 1881	28	—	226
„	„ „	27 Feb., 1884	28	—	230
„	Treaty. Ditto	30 July, 1887	28	—	238
„	Order in Council. Limits. British Jurisdiction....	18 July, 1894	33	—	268
Matacong	Island. Cession to Great Britain	30 Dec., 1825	2	Note	35
„	„ „ „	18 April, 1826	2	8	35
„	To belong to France	28 June, 1882	224	2	724
„	Ditto. Confirmed	10 Aug., 1889	226	2	730
Matamma	To the Setit. Boundary. Soudan and Abyssinia ..... See also Metemma.	22 Nov., 1901	291	—	952
Mauritania	See French West Africa.				
Mauritius	(Isle of France.) Ceded to Great Britain	30 May, 1814	219	8	714
Mayo - Kebbi, River	Free Navigation. French and German Territories	18 April, 1908	379	2	1218
Mazinga	Included in Uganda	10 Mar., 1900	89	1	398
Mazoe River	British and Portuguese Spheres.....	11 June, 1891	310	2	1018

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Mchinga Kiswere	Zanzibar possession	9 June, 1886	261	3	875
„ „	German Possession	27, 28 Oct., 1890	271	—	907
Mediation	Disagreements. Treaty Powers. "Berlin Act"	26 Feb., 1885	128	12	475
Mediterranean	Possessions of France. Influence south of	5 Aug., 1890	229	—	738
„	British, French, and Spanish Interests	16 May, 1907	375	—	1211
			376	—	1212
Melile	Frontier. Soudan and Ethiopia	15 May, 1902	100	1	431
Melilla	Moors on Frontier	6 May, 1845	363	2	1171
„	Spanish Jurisdiction	24 Aug., 1859	364	4	1172
„	Cession of Territory by Morocco	24 Aug., 1859	364	1	1172
„	Neutral ground	24 Aug., 1859	364	4	1172
„	„ „	26 April, 1860	365	3—6	1174
„	Limits of Fortress	30 Oct., 1861	366	4	1176
„	„ „	26 June, 1862	—	Note	1176
„	„ „	5 Mar., 1894	Note	—	1177
„	Boundaries, &c.	24 Feb., 1895	367	—	1178
Mellicourie	River. Cessions to Great Britain	2 May, 1877	2	1	50
„	French Protectorate recognised by Germany	24 Dec., 1885	195	3	655
„	French control over	28 June, 1882	224	1	723
„	„ „	10 Aug., 1889	226	2	730
				Annex 1	733
				„ 2	735
„	Boundary. Great Britain and France	28 June, 1882	224	1	723
„	„ „	10 Aug., 1889	226	2	730
„	„ „	21 Jan., 1895	237	1	757
Mendi	See Sherbro and Mendi.				
Mercury Island	See Ichaboe.				
Metemma	To Kassala. Free passage. Italians. See also Matamma.	15 April, 1891	289	4	950
Meurka	Zanzibar limits. See also Benadir Ports.	9 June, 1886	261	8	876
Mfumbiro	British and German Spheres	1 July, 1890	270	1, § 1	899—901
„	British and German Spheres. Amended (Agreement, Great Britain and Congo)	12 May, 1894	163	—	578
Middle Congo	Territories included in French Congo	29 Dec., 1903	190	—	642
Migertini	Italian Protection	7 Apr., 1889	346	—	1119
„	Accession to Brussels Act	16 Nov., 1894 – 7 April, 1895	—	Note	1119
„	Temporary administration of Migertini Ports by Sultan of Oppia	10 Apr., 1901	—	—	1120
„	Italian Protection	18 Aug., 1901	—	—	1120
Mikindani Bay	Zanzibar possession	9 June, 1886	261	3	875
„	German possession	27, 28 Oct., 1890	271	—	907
Milmil	British and Italian Spheres	5 May, 1894	290	1	951

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Minengani River	(Tunghi Bay.) To Kipini. Sovereignty. Zanzibar	9 June, 1886	261	2	875
,, ,,	,, ,, ,,	Oct.—Nov., 1886	264	1	882 884
,, ,,	,, ,, ,,	3 and 4 Dec., 1886	41	1	304
Missionaries	See Separate Countries.				
Moero	Lake. Congo Free State Boundary	1 Aug., 1885	145	—	553
,,	,, Congo Free State Boundary. Amended	12 May, 1894	163	1b	578
Mohilla	French Protectorate	26 June, 1886	193	—	647
,,	See also Comoro, Johanna.				
Molembo	Portuguese claim	28 July, 1817	298	—	985
Molopo	River. British Bechuanaland. Limits	8 May, 1891	21	—	191
Mombasa	(Mombaze). Zanzibar possession	9 June, 1886	261	6	876
,,	Royal Charter. British East Africa Company	3 Sept., 1838	64	—	346
,,	Projected Railway	1 July, 1895	76	—	381
Mona Island	See Ichaboe.				
Monopolies	Not to be granted. "Berlin Act"	26 Feb., 1885	128	5	473
,,	Forbidden. Certain concessions not so deemed. British South Africa Company	29 Oct., 1889	34	20	275
Moondah	River. (Corisco Bay.) Spanish Claim	—	358	—	1163
Mooney River	See Muni River.				
Morocco	And France. Convention. Boundary. Algeria	10 Sept., 1844	354	5	1146
,,	,, Treaty. Boundaries	18 Mar., 1845	355	—	1146
,,	And Great Britain. Purchase by Morocco of Property of North-West Africa Company	13 Mar., 1895	296	—	970
,,	And Spain. Limits. Ceuta	25 Aug., 1844	—	—	1162
,,	,, ,, ,,	7 Oct., 1844	362	—	1170
,,	,, Limits. Ceuta, Larache, Melilla, &c.	6 May, 1845	363	—	1171
,,	,, Limits. Jurisdiction. Melilla, &c.	24 Aug., 1859	364	—	1172
,,	,, Extension. Jurisdiction. Ceuta	26 Apr., 1860	365	2	1173
,,	,, Melilla Boundary	30 Oct., 1861	366	4	1176
,,	,, Delimitation. Fortress of Melilla	26 June, 1862	Note	—	1176
,,	,, Settlement of Differences	5 Mar., 1894	Note	—	1177
,,	,, Do. Indemnity. Melilla, &c.	24 Feb., 1895	367	—	1178
,,	France and Great Britain. French freedom of action in Morocco	8 Apr., 1904	252	2	820
,,	,, Spanish Interests in Morocco recognised	8 Apr., 1904	252	8	821

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Morocco	France and Spain. Integrity of Morocco	3 Oct., 1904	360	—	1168
„	Great Britain and Spain, and France and Spain. Common Interests in Mediterranean and Atlantic Ocean washing the shores of Europe and Africa	16 May, 1907	375	—	1211
			376	—	1212
„	And various countries. Convention. Cape Spartel Lighthouse	31 May, 1865	356	—	1150
„	„ General Act. Algeciras Conference	7 Apr., 1906	355	—	1149
	See also Ceuta, Melilla, and North-West Africa Company.				
Morozugu	Left to Great Britain. Anglo-German Boundary. West Africa	14 Nov., 1899	277	5	920
„	„ „ „	26 Sept., 2 Dec., 1901	280	4—6	927
„	„ „ „	25 June, 1904	283	—	935
Mt. Ala Tacura	See Ala Tacura.				
Mt. Ayliff	Annexed to Cape Colony	23 Aug., 1886	19	—	170
	See also Cape Colony.				
Mousardou	See Musardou.				
Mozambique	And Angola. Portuguese claim to territories between	12 May, 1886	208	4	675
„	„ „ „	30 Dec., 1886	216	3	704
„	„ British Protest against ditto	13 Aug., 1887	—	—	705
Mrima	Concession. Zanzibar to British East Africa Company	24 May, 1887	63	—	339
„	Royal Charter. Zanzibar to British East Africa Company	3 Sept., 1888	64	—	346
„	Concession. Ditto	9 Oct., 1888	65	1	351
Mruti	(Or Maroti.) Leased by Zanzibar to British East Africa Company	31 Aug., 1889	66	1	359
„	Transfer. British East Africa Company to Italy	18 Nov., 1889	332	—	1091
„	Concession. Zanzibar to British East Africa Company	4 Mar., 1890	68	—	362
„	Ditto, 1890, confirmed	5 Mar., 1891	70	—	365
	See also Kipini to Mruti				
M'sinje River	Boundary. Germany and Portugal	30 Dec., 1886	216	2	704
„	Spheres of Influence. Great Britain and Germany	1 July, 1890	270	1, § 2	900
„	Spheres of Influence. Great Britain and Portugal	11 June, 1891	310	1, § 1	1017

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Msovero	See Usagara.				
Mukondokwa	See Usagara.				
Mullah	See Nogal.				
Muni River	(Corisco Bay.) Spanish Claim	—	357	—	1163
,,	France and Spain. Limits.	27 June, 1900	359	4	1166
Musardou	Liberian Boundary. French Possession	8 Dec., 1892	351	1, § 3	1134
Muscat	Award. Settlement of Differences. Muscat and Zanzibar	2 April, 1861	57	—	326
,,	Independence. Zanzibar and Muscat	10 Mar., 1862	222	—	718
	See also France. Zanzibar.				
Mushah Is.	See Mussa Islands.				
Mussa Islands	Sale to British Government	19 Aug., 1840	93	—	408
,,	Included in French Protectorate	2—9 Feb., 1888	225	2	726
Mutassa	In British Sphere of Influence. Treaty. Great Britain and Portugal	11 June, 1891	310	2	1018
,,	,, ,, ,,	7 Jan., 1895	312	—	1030
	See also Manica Plateau (Award).				
Naalah	Town. French Possession. Liberian Boundary	8 Dec., 1892	351	1, § 3	1134
Naivasha	See East Africa Protectorate.				
Naloes	(Sierra Leone.) Boundary	21 Mar., 1851	2	—	39
Namaqualand	German Protectorate	15 Aug., 1884	211	—	691
,,	,, ,,	1 July, 1890	270	3	902
,,	(Great). German Protectorate	18 Oct., 1884	211	—	692
,,	(Red Nation). Ditto	2 Sept., 1885	211	—	692
,,	(Great). Bastards of Rehoboth. Ditto	15 Sept., 1885	211	—	692
Natal	Notes on Natal	1837—1908	23	—	199
,,	District. British Colony	12 May, 1843	23	—	199
,,	Cession. Boundary. Zululand	5 Oct., 1843	23	—	199
,,	Annexation to Cape Colony	31 May, 1844	23	—	200
,,	Boundaries, &c.	21 Aug., 1844	23	—	200
,,	Cession. Amapondas. Boundary	11 April, 1850	23	—	200
,,	A Separate Colony	12 July, 1856	23	—	200
,,	Boundaries (Order in C.)	3 Feb., 1858	23	—	200
,,	,, (Proclamation)	5 June, 1858	23	—	200
,,	Nomansland annexed	9 Dec., 1863	23	—	200
,,	,, (Proclamation)	7 Sept., 1865	23	—	201
,,	Ditto. Amaquatis. British Protection	10 Dec., 1875	23	—	201
,,	And Delagoa Bay. Coast between. Non-acquisition by Germany	April—May, 1885	260	—	869 870
,,	Boundary. South African Republic	3 Aug., 1881	28	—	224
,,	,, ,,	27 Feb., 1884	28	—	228

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Natal	Annexation. Amatongaland to Zululand	30 Nov., 1897	23	—	205
,,	Zululand to Natal	1 Dec., 1897	23	—	205
,,	Transvaal districts to Natal See also Tongaland. Zululand.	19 Nov., 1902	23	—	205
National African Company	Treaties. Native Chiefs	1884—1892	15	—	131
,, ,,	Royal Charter	10 July, 1886	10	—	125
,, ,,	Title changed to Royal Niger Company See also Niger Company	18 Oct., 1887	11	—	127
Navigation, Free	See Rivers, Lakes, &c.				
Netherlands	Cession to Great Britain of the Cape of Good Hope, &c.	13 Aug., 1814	297	—	976
,,	Exchange of Possessions on Gold Coast	5 Mar., 1867	297	—	977
,,	Transfer of ditto to Great Britain	25 Feb., 1871	297	—	979
,,	Notes on former Dutch Possessions in Africa	1814—1871	297	—	976
,,	And Congo. Recognition of Association See also Transvaal.	27 Dec., 1884	168	—	590
Neutrality	Of Congo. Recognition by France	5 Feb., 1885	152	5	565
,,	Territories and Waters. Congo Basin	26 Feb., 1885	123	10—12	474
,,	Works and Establishments	26 Sept., 1885	123	25	481
,,	Congo Free State. Limits	1 Aug., 1885	145	—	552
,,	Declaration. Neutrality Congo Free State	28 Dec., 1894	149	—	557
New Calabar	British. See Great Britain (Niger).				
New Republic	Boundary. Zululand	22 Oct., 1886	28	—	237
,,	Union with South African Republic	14 Sept., 1887	28	—	238
Ngami, Lake	British Sphere of Influence	1 July, 1890	270	3	902
Nguru	German Colonization Society. Treaty. Native Chiefs	26 Nov., 1884	210	—	682
,,	Charter. Ditto	17 Feb., 1885	209	—	681
Niadi-Quillou	Congo and United States	22 April, 1884	176	—	602
,,	Congo and Great Britain	16 Dec., 1884	161	—	573
,,	Congo and France. Frontiers	5 Feb., 1885	152	—	564
,,	Congo Limits See also Kuilu.	1 Aug., 1885	145	—	552
Niambuntung	Or Niani Bantang (Gambia). Position	8 May, 1893	235	—	754
Nicol Island	German Protectorate	15 Oct., 1884	212	—	693
Niger	National African Company (Royal Niger Company). Charter	10 July, 1886	10	—	125
Niger Company	Treaties. Native Chiefs See also Gandu. Sokoto.	1884—1892	15	—	131

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Niger Districts and Coast	British Protectorate. Districts and Oil Rivers	11 June, 1885	—	—	487
,, ,,	British Protectorate. Districts	5 June, 1885	8	—	123
,, ,,	,, ,, ,,	18 Oct., 1887	11	—	127
,, ,,	British Protectorate. Coast See also Niger Coast Protectorate. Nigeria.	13 May, 1893	16	—	154
Niger Coast Protectorate	Notes on Niger Districts and Niger Coast Protectorate	1866—1908	6	—	116
,,	Within Alcoholic Liquor Zone	18 June, 1892	6	—	118
			69	—	364
	See also Nigeria.				
Nigeria	Territorial Arrangements between Great Britain and France :—				
	Spheres of Influence in Africa	10 Aug., 1889	226	4	732
	Spheres of Influence. Niger to Lake Chad	5 Aug., 1890	229	2	739
	Delimitation of Territories. West of Lower Niger	15 Jan., 1896	238	—	765
	Boundary Report. Lagos and Dahomey	12 Oct., 1896	240	—	780
	Delimitation of Possessions East and West of Niger. Art. 2. The Sea to the Niger. Art. 3. Frontier on Niger. Art. 4. The Niger to Lake Chad	14 June, 1898	241	2, 3, 4	786 787
	Boundary Report. Borgu Boundary (Southern Nigeria and Dahomey)	22 Dec., 1900	245	—	797
	Lease of Land : (1) (At junction of Doko with Niger ; (2) At mouth of Forcados River	20 May, 1903	248	—	812
			249	—	814
	Niger to Lake Chad Modification	8 April, 1904	251	8	818
	Frontier. East of Niger	9 April, 1906	256	—	843
	Frontier. East of Niger	29 May, 1906	256	—	843
	Frontier. Gulf of Guinea to Niger	19 Oct., 1906	258	—	849

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Nigeria	Territorial Arrangements between Great Britain and Germany :—				
	Spheres of Action. Gulf of Guinea, Rio del Rey, Cross River, &c.	Apr.–June, 1885	260	—	868
	Spheres of Action. Gulf of Guinea. River Benue, Yola	27 July / 2 Aug., 1886	263	—	880
	Spheres of Influence. West Africa	1 July, 1890	270	4	903
	Boundary. Gulf of Guinea, Rio del Rey	14 April, 1893	273	—	910
	Boundaries and Spheres of Influence, Gulf of Guinea to Interior. Yola, Lake Chad, Cross River, &c.	15 Nov., 1893	275	—	913
	Boundary. Protocol. Delimitation of Yola Arc	10 Aug., 1903	—	—	939
	Boundary Protocol. Yola to Lake Chad	24 Feb., 1904	282	—	933
	Boundary. Yola to Lake Chad	19 Mar., 1906	284	—	937
	Acceptance of Agreement of 19th March, 1906	16 July, 1906	Notes	—	941
	See also Lagos. National African Company. Niger. Niger Districts, &c. Nigeria, Northern. Nigeria, Southern. Oil Rivers.				
Nigeria, Northern	Limits	27 Dec., 1899	6	2	121
Nigeria, Southern	Protectorate of Southern Nigeria	27 Dec., 1899	6	—	119
„ „	Designation of Lagos Colony altered to Southern Nigeria	28 Feb., 1906	5	—	111
	See also Lagos. Niger Coast Protectorate. Nigeria. Oil Rivers				
Niger River	Free Navigation. Berlin Act	26 Feb., 1885	128	26—33	481
„	British Engagements.....	26 Feb., 1885	128	30	483
„	French ditto	26 Feb., 1885	128	31	484
„	Engagements of other Powers	26 Feb., 1885	128	32	484
	See also Leases.				
Nile	Upper Watershed of Basin. British and German Spheres of Influence	1 July, 1890	270	1, § 3	901

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Nile	Irrigation works on the Atbara	15 April, 1891	289	3	950
,,	Basin. Spheres of Influence. Great Britain and Congo	12 May, 1894	163	1*a*, 2	578
,,	Nile and Congo Watershed. British and French Spheres of Influence. Central Africa and Soudan	21 Mar., 1899	244	—	796
,,	Navigation. Upper Nile. Great Britain and Congo	9 May, 1906	165	6	586
	See also Blue Nile.				
Nogal	Italy and Mullah	5 Mar., 1905	347	—	1120
,,	Great Britain and Mullah	24 Mar., 1905	347	Note	1122
,,	Great Britain and Italy	Mar.—May, 1905	—	Note	1122
,,	,, ,, ,,	19 Mar., 1907	295	—	961
Nogaro	To Abyssinia. Boundary. Soudan	22 Nov., 1901	291	—	952
Nokki	Great Britain and Portugal. Boundaries notified	26 Feb., 1884	307	—	1004
,,	Congo and Portugal. Lower Congo Boundaries	25 May, 1891	171	3	595
Nomansland	Between Umzimkulu and Umtamfuna Rivers annexed to Natal	9 Dec., 1863	23	—	200
,,	(Transkei). Annexation to Cape Colony	12 June, 1876	19	—	164
	See also Cape Colony.				
,,	South-West Coast of Africa	14 Sept., 1892	211	—	692
Non-cession of Territory	Algiers. France	30 May, 1837	191	13	644
,, ,,	Obokh. France and Danakils	11 Mar., 1862	181	9	628
,, ,,	Delagoa Bay. Great Britain and Portugal	June, 1875	304	—	993
,, ,,	Egypt. Somali (proposed)	7 Sept., 1877	178	2—5	615
,, ,,	Tajourah. France	21 Sept., 1884	184	5	631
,, ,,	Zumbo. Portugal	20 Aug., 1890	308	1	1007
,, ,,	South of the Zambesi. Great Britain and Portugal	20 Aug., 1890	308	3—4	1007—1008
,, ,,	,, Mutual rights of pre-emption	11 June, 1891	310	7	1020
,, ,,	Ethiopia and Italy	26 Oct., 1896	124	5	459
	See also Treaties with native Chiefs, under different countries.				
North Bulloms	Treaty. Cession. Tombo Island to Great Britain	5 June, 1821	2	—	29
,, ,,	Treaty. Cessions. Bance and other islands to Great Britain	2 Aug., 1824	2	—	30

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
North-Eastern Rhodesia	See Rhodesia.				
Northern Nigeria	See Nigeria, Northern				
Northern Rhodesia	See Barotziland—North-Western Rhodesia. North - Eastern Rhodesia.				
Northern Territories	See Gold Coast.				
North-West Africa Company	Purchase of Property by Morocco	13 Mar., 1895	296	—	970
North-Western Rhodesia	See Barotziland.				
Norway	See Sweden and Norway.				
Nossi Bé	Madagascar. Cession to France	14 July, 1840	202	—	664
Nossi Comba	Ditto. Ditto	3 Feb., 1841	202	—	664
Nossi-Mitsion	Madagascar. Cession to France	1 June, 1841	202	—	664
Notifications	Occupations, Protectorates, &c. See Occupations, Protectorates.				
Nougoua	(Gold Coast). British and French Boundary	10 Aug., 1889	226	3	730
„	„ „	26 June, 1891	232	—	744
Ntombo-Makata	Cataract. Congo. Limits	1 Aug., 1885	145	—	552
Nubia	Egyptian Province	13 Feb., 1841	178	—	614
Nunez	Rio. French Rights	28 June, 1882	224	3	724
„	Ditto. German recognition	24 Dec., 1885	195	3	655
Nuon River	Boundary. French West Africa and Liberia	18 Sept., 1907	353	1	1141
Nyasaland	Definition of Territory	Feb., 1891	35	—	277
Nyasaland Districts	Not included in Chartered territory	Feb., 1891	35	—	277
„ „		2 April, 1891	33	—	266
„ „	Notification. British Protectorate	14 May, 1891	37	—	286
„ „	Prohibition. Alcoholic Liquors	18 June, 1892	37	—	287
„ „	Name changed to "British Central Africa Protectorate"	22 Feb., 1893	37	—	287
	See also Nyasaland Protectorate.				
Nyasaland Protectorate	Notes on the Nyasaland Protectorate	1883—1908	37	—	286
„	Appointment. British Consul at Nyasa	1 Oct., 1883	37	—	286
„	British Protectorate. Makololo, Yao and Machinga Countries	21 Sept., 1889	38	—	289
„	Great Britain and Germany. Spheres of Influence. East Africa	1 July, 1890	270	1	899

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Nyasaland Protectorate	Extension of British South Africa Company's Field of Operations to north of Zambesi. Nyasaland excluded	2 Apr., 1891	33	—	267
„	British Protectorate. Nyasaland Districts	14 May, 1891	37	—	286
„	Great Britain and Portugal. Spheres of Influence. East and Central Africa	11 June, 1891	310	1, 4	1017 1019
„	Treaties. Native Chiefs of the Shiré Highlands (Abstract)	1889—1891	38	—	289
„	Great Britain and Portugal. Leases of Land in Chinde and on Lake Nyasa	7 May, 1892	Note	—	1026
„	Protectorate placed within Alcoholic Liquor Zone under Brussels Act	18 June, 1892	37	—	287 364
„	Title. "British Central Africa Protectorate"	22 Feb., 1893	37	—	287
„	Great Britain and Portugal. Spheres of Influence in Africa. Modus Vivendi	31 May / 5 June 1893	311	—	1027
„	„ Prolongation of Modus Vivendi of 1893	20 Jan., 1896	314	—	1034
„	Great Britain and Germany. Delimitation of Nyasa - Tanganyika Boundary	11 Nov., 1898	276	—	916
„	Great Britain and Portugal. Extension of Chinde Concession	12 Sept. / 27 Dec. 1898	310	—	1026
„	„ Provisional Boundary. Nyasaland	1899—1900	320	—	1070
„	Concession to Portugal of Land on Lake Nyasa in lieu of that leased 7th May, 1892.....	12 Jan., 1901	321	—	1071
„	Great Britain and Germany. Nyasa-Tanganyika Boundary	23 Feb., 1901	279	—	925
„	British Central Africa. Limits. Art. I	11 Aug., 1902	37	—	287
„	Great Britain and Portugal. Provisional Boundary. Nyasaland and Portuguese East Africa	15 Sept., 1906	328	—	1077
„	Title. "Nyasaland Protectorate"	6 July, 1907	37	—	287
Nyasa, Lake	Boundary. Germany and Portugal	30 Dec., 1886	216	2	704

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Nyasa, Lake	And Tanganyika Lake, to Rovuma River. Spheres of Influence Great Britain and Germany	1 July, 1890	270	1	900
,, ...	And Congo State. No Transit Dues	1 July, 1890	270	8	905
,, ...	British and Portuguese Spheres of Influence	11 June, 1891	310	5	1019
,, ...	Ditto. Ditto	May—June, 1893	311	10	1029
,, ...	And Zambesi. British and Portuguese Spheres	May—June, 1893	311	1	1027
,, ...	Islands on Lake. British	May—June, 1893	311	4	1028
,, ...	Lease of Land to Portuguese at Leopard Bay, Lake Nyasa	7 May, 1892	310	—	1026
,, ...	Ditto at Rhoades Bay, in lieu of above	12 Jan., 1901	321	—	1071
Nyasa and Tanganyika Lakes	German Frontier between. Protection against aggression	24 Nov., 1894	36	8	282
Nyasa-Tanganyika	Plateau. British and German Spheres.	1 July, 1890	270	1	900
,, ,,	Great Britain and Germany. Nyasa-Tanganyika Boundary	11 Nov., 1898	276	—	916
,, ,,	,, ,, ...	23 Feb., 1901	279	—	925
Obbia	See Oppia.				
Obock	Cession to France	11 Mar., 1862	181	2	628
,, ...	Limits. French notification	25 Dec., 1880	182	—	629
,, ...	France and Gobad	9 April, 1884	183	—	630
,, ...	,, ,, ...	18 Oct., 1884	185	—	632
,, ...	,, ,, ...	14 Dec., 1884	186	—	632
,, ...	,, ,, ...	2 Jan., 1885	187	—	633
,, ...	Application to, of "Brussels Act"	2 Jan., 1892	133	—	525
	See also Gubbed (Kharab).				
Occupations	Italian. Of Massowah	3 Feb., 1885	114	—	450
,, ...	African Coasts. Notifications to be made. "Berlin Act"	26 Feb., 1885	128	34	484
,, ...	Ditto. Return laid before Parliament	1885—1887	—	—	487
	See also Protectorates.				
Ocpara, River	British and French Frontier. Lagos and Dahomey	14 June, 1898	241	2	786
,, ...	,, ,, ...	22 Dec., 1900	245	—	799
,, ...	,, ,, ...	19 Oct., 1906	258	16, 17	853
Odi	To Benin River. Coast line. British Protectorate and Sovereignty	5 Feb., 1886	5	—	103
Odzi River	And Portuguese Possessions. District between. British Jurisdiction	27 June, 1891	22	—	193

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Ogaden	Regions. Trade	5 May, 1894	290	2	951
,,	British Protection	1 Sept., 1896	83	—	387
,,	Ogaden territory to remain Abyssinian	16 May, 1908	380	4	1223
Ogbo	British Protectorate	24 Dec., 1884	5	—	100
,,	British Sovereignty	5 Feb., 1886	5	—	103
Oil Rivers	British Protectorate. "Niger Coast"	5 June, 1885	8	—	123
,,	Lagos to Rio del Rey. Boundary. British and German Spheres of Influence. See Nigeria.				
,,	Ditto, ditto. Eastern limit	14 April, 1893	273	—	910
,,	Title changed to Niger Coast Protectorate .... See also Nigeria.	13 May, 1893	16	—	154
Okeodan	(Lagos.) British Protectorate	4 July, 1863	5	—	97
,,	(Ditto)	17 July, 1863	5	—	98
Old Calabar River	See Cross River.				
Ondo	(Lagos.) Non-cession of Territory. Boundaries, &c.	20 Feb., 1889	5	—	110
Opobo	See Nigeria.				
Oppia	Italian Protectorate	2 Mar., 1889	348	—	1123
,,	Italian Protectorate	20 May, 1889	349	—	1124
,,	Adhesion. Brussels Act .... See also Italy.	22 Nov., 1894	—	Note	1125
Orange Free State	See Orange River Colony.				
Orange River	To Cape Frio. German Protectorate (excepting Walfisch Bay)	8 Sept., 1884	211	—	691
,,	British and German Spheres of Influence	1 July, 1890	270	3	901
Orange River Colony	Notes on	1848—1908	27	—	212
,, ,,	British Sovereignty	3 Feb., 1848	27	—	212
,, ,,	Orange River Territory	22 Mar., 1851	27	—	212
,, ,,	Renunciation of British Sovereignty	30 Jan., 1854	27	—	212
,, ,,	British recognition of Independence	23 Feb., 1854	27	—	212
,, ,,	Boundaries. Basutoland	12 Feb., 1869	27	—	212
,, ,,	Boundaries	13 July, 1876	27	—	215
,, ,,	Adhesion to Brussels Act	10 Feb., 1896	130	Note	488
,, ,,	Annexation by Great Britain	24 May, 1900	27	—	216
,, ,,	Constitution. Colony	5 June, 1907	27	—	217
Oron	Rio del Rey. Anglo-German Boundary	14 April, 1893	273	1	910
Ottoman Dominions	See Turkey.				
Ottoman Law	Slave Trade. See Turkey.				
Ouatchis	(Between Grand Popo and Dahomey.) French Protectorate	10 June, 1885	189	—	639
,,	,, Notification to Powers	20 Aug., 1885	128	—	487

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Oubangi	Region. Boundary. France and Congo	29 April, 1887	156	—	568
,,	,, ,, ,,	14 Aug., 1894	157	—	569
Outemboni River	See Utamboni.				
Ovomboland	And Herero. District. See Herero and Ovomboland.				
Oyo	(Lagos.) Boundaries. Noncession of Territory, &c.	23 July, 1888	5	—	109
Palma	Part of Lagos. See also Lagos.	7 Feb., 1863	5	—	95
Panchang	Or Pantiang. (Gambia.) Position	8 May, 1893	235	—	754
Pangani	Zanzibar Possession. See also Zanzibar Limits.	9 June, 1886	261	5	875
,,	Customs leased to German African Company	Oct.—Nov., 1886	264	2	883—885
,,	,, ,, ,,	3 Dec., 1886	41	2	305
,,	,, Agreed to by Sultan	4 Dec., 1886	41	2	307
Patta	Leased by Zanzibar to British East Africa Company	31 Aug., 1889	66	1	359
,,	Withdrawal of German claim to	1 July, 1890	270	2	901
,,	British Protectorate. See also Lamu.	19 Nov., 1890	69	—	364
Peki	See Crepee.				
Pemba Island	Zanzibar. Possession	9 June, 1886	261	1	874
,, ,,	,, ,, ,,	Oct.—Nov., 1886	264	1	882—884
,, ,,	,, ,, ,,	3, 4 Dec., 1886	41	1	304
,, ,,	Excluded from Concession to British East Africa Company	9 Oct., 1888	65	12	357
,, ,,	British Protectorate	14 June, 1890	42	1	308
,, ,,	Import Duties. See also Zanzibar Limits.	22 June, 1892	46	—	312
Penguin Islands	See Ichaboe.				
Penon de la Gomera	Spain and Morocco. Frontier	6 May, 1845	363	2	1171
,, ,,	,, ,, ,,	24 Aug., 1859	364	6	1173
,, ,,	,, ,, ,,	26 April, 1860	365	5	1174
Persia	Accession to Brussels Act	3 July, 1890	130	Note	488
,,	Supervision in Territorial Waters, &c. Slaves	2 July, 1890	130	69	510
,,	Accession. Liquor Traffic Convention	8 June, 1899	136	Note	529
Pibor, River	Frontier. Soudan and Ethiopia	15 May, 1902	100	1	431
Plantain Island	Cession to Great Britain	24 Sept., 1825	2	—	31
,, ,,	Limits	4—7 July, 1849	2	—	38

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Plateau	See Manica. Nyasa-Tanganyika.				
Plumpudding	And Roast Beef Island. See Ichaboe.				
Pocrah	(Pokrah, or Pokéa). (Lagos.) British Protectorate	29 June, 1863	5	—	96
,,	,, British Possession	10 Aug., 1889	226	4, § 1	732
,,	,, British and French Spheres	10 Aug., 1889	226	4, § 4	732
,,	,, Custom House	10 Aug., 1889	226	4, § 5	733
Podor	Fort. Cession by Great Britain to France	3 Sept., 1783	218	9	713
Pokrah	See Pocrah.				
Pomona Mine	South-West Africa. Claims. British Subjects	15 July, 1886	262	5	878
Pondoland	Cessions to Great Britain	17 July, 1878	19	—	167
,,	British Protectorate of Coast	5 Jan., 1885	19	—	170
,,	British Sovereignty	20 Mar., 1894	19	—	175
,,	Annexation to Cape Colony. See also Cape Colony, Natal.	12 June, 1894	19	—	175
Pongolo River	Limit. Portuguese Influence	11 June, 1891	310	3	1018
,,	Boundary. Amatongaland	23 April, 1895	24	—	206
,,	British and Portuguese Boundary. Tongaland	Sept.—Oct., 1895	313	—	1033
,,	,, ,, ,, See also Tongaland.	2 Oct., 1897	316	—	1067
Ponta Vermelha	Congo. Limits	1 Aug., 1885	145	—	552
Portendic	Cession by Great Britain to France	3 Sept., 1783	218	9	713
,,	British Claims on France. Prussian Award	30 Nov., 1843	220	—	714
,,	Gum Trade	3 Sept., 1783	218	11	713
,,	,,	7 Mar., 1857	221	1	716
Porto Novo	British and French Spheres	10 Aug., 1889	226	4, § 1	732
				Annex 2	736
,,	French Protectorate	3 Oct., 1890	194	—	650
Porto Seguro	Porto Seguro to Lome or Bay Beach. German Protectorate (Togoland)	5 July, 1884	212	—	693
,,	German Protectorate. French recognition	24 Dec., 1885	195	2	654
Portugal	And British South Africa Company. Boundary	29 Oct., 1889	34	1	272
,,	And Congo. Boundaries, &c.	14 Feb., 1885	169	—	591
,,	,, Tariff of Imports	9 Feb., 1891	—	Note	596
,,	,, Ditto, Ditto	8 April, 1892	—	Note	596
,,	,, Spheres of Sovereignty and Influence. Lunda Region	25 May, 1891	170	—	592
,,	,, Boundaries. Lower Congo	25 May, 1891	171	—	594

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Portugal	And Congo. Boundaries. Lunda Region	24 Mar., 1894	172	—	596
,,	And Dahomey. Protectorate. Sea Coast	5 Aug., 1885	194	—	650
,,	,, ,, ,,	21 Jan., 1886	194	—	650
,,	,, Ditto. Withdrawn	22 Dec., 1887	194	—	650
,,	And France. Limits. West Africa. Guinea. Fouta-Djallon. Congo. Angola. Mozambique	12 May, 1886	208	—	673
,,	And France. French recognition of Portuguese Rights between Angola and Mozambique	12 May, 1886	208	4	675
,,	,, British Protest against above claims of Portugal	13 Aug., 1887	—	—	705
,,	And Germany. Possessions and Spheres of Influence	30 Dec., 1886	216	—	703
,,	,, ,, ,,	30 Aug. / 1 Sept., 1894	217	—	706
,,	,, Conditional recognition by Germany of Portuguese Rights between Angola and Mozambique	30 Dec., 1886	216	3	704
,,	,, British Protest against above claims of Portugal	13 Aug., 1887	—	—	705
,,	And Great Britain. Possessions and Claims. East and West Coasts of Africa	28 July, 1817	298	—	985
,,	,, Protocol. Dispute respecting Sovereignty over Island of Bulama to be referred to Arbitration	13 Jan., 1869	299	—	985
,,	,, Award. United States. Sovereignty of Portugal over Island of Bulama	21 Apr., 1870	300	—	988
,,	,, Notification. Portuguese Occupation of Island of Bulama	1 Oct., 1870	301	—	990
,,	,, Protocol. Dispute respecting Delagoa Bay (Lorenzo Marques) to be referred to Arbitration	25 Sept., 1872	302	—	991
,,	,, British Case. Conflicting Claims to Delagoa Bay (Lorenzo Marques)	Sept., 1873	303	—	991
,,	,, Exchange of Notes. Non-cession of Territory to whichever Power awarded	June, 1875	304	—	993

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Portugal	And Great Britain. Award. President of French Republic. Portuguese Sovereignty over Delagoa Bay (Lorenzo Marques)	24 July, 1875	305	—	996
„	„ Protocol. Ratification of Convention between Portugal and South African Republic of 11th December, 1875 (with Explanatory Notes)	7 Oct., 1882	306	—	998
„	„ Portuguese Boundary. West Coast of Africa. Congo. Zambesi, &c.	26 Feb., 1884	307	—	1004
„	„ Spheres of Influence in Africa (not ratified, but see Agreement of 14 Nov., 1890)	20 Aug., 1890	308	—	1006
„	„ Modus Vivendi. Spheres of Influence. Navigation. Zambesi, Shiré, and Pungwé	14 Nov., 1890	309	—	1014
„	„ Spheres of Influence. East and Central Africa	11 June, 1891	310	—	1016
„	„ Lease of Land at Chinde, &c.	7 May, 1892	—	—	1026
„	„ Spheres of Influence. North of the Zambesi	May—June, 1893	311	—	1027
„	„ Arbitration. Boundary. Manica Plateau	7 Jan., 1895	312	—	1030
„	„ Frontier. British and Portuguese Possessions. Tongaland	Sept.—Oct., 1895	313	—	1033
„	„ Agreement. Prolonging "Modus Vivendi" of 1893. Spheres of Influence north of Zambesi	20 Jan., 1896	314	—	1034
„	„ Award. Arbitration. British and Portuguese Spheres in East Africa (Manica)	30 Jan., 1897	315	—	1036
„	„ Description. Anglo-Portuguese Frontier. British Amatongaland and Portuguese East Africa	2 Oct., 1897	316	—	1066
„	„ Procès Verbaux Boundary in the Barué district, East Africa	28 June / 6 Dec., 1898	317	—	1069

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Portugal	And Great Britain. Agreement. Extension of British Concession at Chinde	12 Sept., 27 Dec., 1898	310	—	1026
,,	,, Procès - Verbaux. Delimitation of Manica Boundary, East Africa	June Dec., 1898	318	—	1069
,,	,, Notes. Frontier. Possessions in Amatongaland	29 Dec., 1898 25 Jan., 1899	319	—	1070
,,	,, Agreement. Boundary. British Central Africa and Portuguese Territory	July–Nov., 1899 8 Dec., 1900	320	—	1070
,,	,, Agreement. Concession to Portugal. Land on Lake Nyasa in lieu of that leased on the 7th May, 1892	12 Jan., 1901	321	—	1071
,,	,, Notes. Barué Boundary. Mount Karera to River Mazoe	4 Mar 28 Apr., 1902	322	—	1071
,,	,, Declaration. Submission of Barotse Boundary Question to Arbitration	12 Aug., 1903	323	—	1072
,,	,, Notes. Barué Boundary. 18° 30′ south latitude to Mount Karera	18 Jan. 12 Apr., 1904	324	—	1073
,,	,, Notes. Boundary in East Africa. Junction of Sabi and Lundi Rivers to the Limpopo	21 Dec., 1903 19 July, 1904	325	—	1073
,,	,, Award. Arbitration. Western Boundary of Barotse Kingdom	30 May, 1905	326	—	1074
,,	,, Protocols. Delimitation of Boundary north and south of the Zambesi	21 Nov., 1904 24 Oct., 1905	327	—	1077
,,	,, Notes. Provisional acceptance of Boundary. British Central Africa and Portuguese East Africa	15 Sept., 1906	328	—	1077
,,	,, Notes. Adoption of Boundary in East Africa. 18° 30′ south latitude to the Limpopo	3 June, 1907	329	—	1078
,,	And South African Republic (Transvaal). Treaty. Boundary Dispute. Bay of Lorenzo Marques or Delagoa Bay	29 July, 1869	29	23	245
,,	,, Treaty. Boundary, Delagoa Bay Railway, &c.	11 Dec., 1875	30	21	246

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Portugal	And South African Republic (Transvaal). Lorenzo Marques Railway	17 May, 1884	30	—	249
	See also Transvaal.				
,,	And Spain. Cession of Fernando Po and Annabon to Spain	1 Mar., 1778	368	13	1180
,,	,, Cession. Fernando Po	24 Oct., 1778	368	—	1179
,,	And Zanzibar. Consular Jurisdiction	25 Oct., 1879	58	—	327
,,	,, Surrender of Consular Jurisdiction in Zanzibar	28 Feb., 1907	58	—	328
,,	Ratification. "Brussels Act"	30 Mar., 1892	135	—	528
,,	Ratification. Liquor Traffic Convention	19 June, 1900	137	—	534
Possession Island	See Ichaboe.				
Pre-emption	Mutual Rights. British and Portuguese. South of the Zambesi	11 June, 1891	310	7	1020
,,	France. Eventual Cessions (Congo)	April—May, 1884	151	—	562
,,	,, ,, ,,	22/29 April, 1887	155	—	567
,,	Belgium and France. French right of pre-emption. Congo State	5 Feb., 1895*	158	—	570
,,	France and Liberia	8 Dec., 1892	351	5	1135
,,	France and Spain. Possessions. Sahara. Gulf of Guinea and Elobey and Corisco Islands. French right	27 June, 1900	359	7	1166
,,	Great Britain and Italy. Benadir	13 Jan., 1905	293	3	955
	See also Non-Cession of Territory.				
Protectorates	African Coasts. To be notified. Berlin Act	26 Feb., 1885	128	34	484
,,	(British.) Basutoland	2 Feb., 1884	20	—	186
,,	,, Bechuanaland and Kalahari	30 Sept., 1885	21	—	190
,,	,, British Central Africa	22 Feb., 1893	37	—	287
,,	,, British East Africa	15 June, 1895	76	—	380
,,	,, ,, ,,	31 Aug., 1896	78	—	383
,,	,, Gambia Protectorate	1894—1901	1	—	20
,,	,, Niger Districts and Oil Rivers	5 June, 1885	8	—	123
,,	,, Nyasaland	14 May, 1891	37	—	286
,,	,, ,,	6 July, 1907	37	—	287
,,	,, Pondoland, Coast	5 Jan., 1885	19	—	170
,,	,, Sierra Leone Protectorate	31 Aug., 1896	2	—	56
,,	,, Socotra	23 Apr., 1886	94	—	415
,,	,, Somali Coast	20 July, 1887	93	—	410

* The Treaty of the 9th January, 1895, for the Cession of the Congo State to Belgium was withdrawn, but see **No. 382**, p. 1226, as to renewal of Agreements of 1895 under the new Treaty of Cession of November 28, 1907.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Protectorates	(British.) Tati. British Jurisdiction	27 June, 1891	22	—	192
,, ...	,, Tongaland	11 June, 1895	25	—	207
,, ...	,, Uganda	18 June, 1894	86	—	395
,, ...	,, ,, ...	27 Aug., 1894	87	—	396
,, ...	,, Witu, &c. Up to Kismayu	19 Nov., 1890	69	—	364
,, ...	,, North of the Tana	31 July, 1893	75	—	379
,, ...	,, Zanzibar	14 June, 1890	42	—	308
,, ...	,, Zanzibar	4 Nov., 1890	43	—	310
,, ...	,, Uganda to Coast, and from Juba River to German Sphere (British East Africa)	15 June, 1895	76	—	380
,, ...	(French.) Alcatras Island	30 Nov., 1887	—	Note	641
,, ...	,, Comoro Islands	26 June, 1886	193	—	647
,, ...	,, Dahomey	3 Dec., 1892	194	—	651
,, ...	,, Ivory Coast	26 Oct., 1891	351	—	1133
,, ...	,, Madagascar. See Madagascar.				
,, ...	,, Obock. See Obock.				
,, ...	,, Ouatchis	20 Aug., 1885	128	—	487
,, ...	,, Tajourah Gulf. See Tajourah.				
,, ...	,, Tunis	12 May, 1881	369	—	1185
,, ...	(German.) German Colonization Society	17 Feb., 1885	209	—	681
,, ...	,, Umba to Rovuma	28 April, 1888	213	—	695
,, ...	,, Witu to Kismayu	22 Oct., 1889	210	—	689
,, ...	,, Withdrawal from Witu	1 July, 1890	270	2	901
,, ...	,, East Coast of Africa	1884—1890	210	—	682
,, ...	,, Continental dominions of Zanzibar, and Island of Mafia, recognized by France	17 Nov., 1890	197	—	656
,, ...	,, South - West Coast of Africa. Namaqualand. Damaraland Coast, Cape Frio to Orange River	1884—1892	211	—	691
,, ...	,, West Coast of Africa. Togoland. Cameroons. Slave Coast, &c.....	1884—1890	212	—	693
,, ...	(Italian.) Zula	2 Aug., 1888	118	—	452
,, ...	,, Oppia	20 May, 1889	349	—	1124
,, ...	,, Aussa	6 Dec., 1889	123	—	458
,, ...	,, East African Coast (Benadir)	19 Nov., 1889	350	—	1125
,, ...	(Portuguese.) Coast of Dahomey	21 Jan., 1886	194	—	650
,, ...	,, Coast of Dahomey. Withdrawn	22 Dec., 1887	194	—	650
,, ...	(Spanish.) N. W. Coast of Africa	9 Jan., 1885	358	—	1163

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Protectorates	Return laid before Parliament ..... See also Spheres of Influence and Separate Countries.	1885—1887	—	—	487
Protest	British. Against Portuguese territorial claims in Africa	13 Aug., 1887	—	—	705
,, ...	Turkish. Against French occupation of Tunis....	16 May, 1881	369	—	1187
Pungwé River	Transit over Waterways, &c.	14 Nov., 1890	309	2	1015
,,	Ditto	11 June, 1891	310	12	1022
Pungwé Bay	Free passage. British Sphere	11 June, 1891	310	14	1024
,, ...	Construction of Railway by Portugal to British Sphere	11 June, 1891	310	14	1024
,, ...	Construction of Road by Portugal to British Sphere	11 June, 1891	310	14	1024
,, ...	Landing Places	11 June, 1891	310	14	1024
,, ...	Telegraph communications	11 June, 1891	310	15	1024
Quahoo	(Gold Coast.) British Protection	5 May, 1888	3	—	71
Quiah	Cession of portion to Great Britain	2 April, 1861	2	—	41
,, ...	British Quiah. Recognition	1 Feb., 1862	2	—	44
,, ...	Retrocession of portion of British Quiah	20 Jan., 1872	2	—	46
,, ...	British Sovereignty over British Quiah	29 Jan., 1872	2	—	46
,, ...	Boundary. British Quiah See also Timmanees.	29 Jan., 1872	2	—	46
Quillu	See Niadi-Quillu and Kuilu.				
Quittah	(Gold Coast.) British Occupation	22 June, 1874	3	—	66
Rafeh	Sinai Peninsula. Line of demarcation. Turkey and Egypt	$\frac{14}{15}$ May, 1906	372	—	1199
Rahad River	British and Italian Spheres of Influence	15 April, 1891	289	1	949
,, ...	Soudan - Abyssinian Frontier. Setit to Rahad and Rahad to Blue Nile	27 June, 1903	101	—	434
Raheita	Cession of Territory to Italy. Italian Protection	1879—1880	109—111	—	447
,, ...	Great Britain, France, and Italy	13 Dec., 1906	102	—	444

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Railways	Lorenzo Marques to Frontier of South African Republic (Transvaal)	11 Dec., 1875	30	—	247
,, ...	,, ,, ,,	17 May, 1884	30	—	249
,, ...	Concession. Jibuti-Harrar Railway	9 Mar., 1894	126	—	461
,, ...	Mombasa	1 July, 1895	76	—	381
,, ...	Soudan and Uganda through Abyssinia	15 May, 1902	100	5	432
,, ...	Congo Frontier to Lado. Great Britain and Congo	9 May, 1906	165	4	585
,, ...	Abyssinia. Railway Concessions. Jibuti Railway. Railway west of Adis Abeba. Railway from British Somaliland through Ethiopia to Soudan	13 Dec., 1906	102	5—9	438
Ras Ali	To Ras Dumeirah. Cession to France	11 Mar., 1862	181	2	628
,, ...	To Gubbed Kharab. Cession by Tajourah to France	21 Sept., 1884	184	—	630
,, ...	To Gubbed Kharab. French Annexation...	11 Feb., 1885	93	—	409
Ras Awad	Northern limit of Oppia	2 Mar., 1889	348	—	1123
,, ...	,, ,, ,,	$\frac{20}{28}$ May, 1889	349	—	1124
Ras Dermah	To Ras Rakma. Italian Administration	10 Aug., 1887	116	3	451
Ras Dumeirah	To Amphila. Italian Sovereignty	9 Dec., 1888	119	3	453
,, ,,	To Ras Ali. See Ras Ali.				
,, ,,	Delimitation. French and Italian Possessions	24 Jan., 1900 10 July, 1901	200 201	— —	663 664
Ras Hafoun	Somali Coast. Conditional recognition of Egyptian Jurisdiction	7 Sept., 1877	178	—	615
Ras Jiburti	To Bunder Ziadeh. Somali Coast. British Protectorate	20 July, 1887	93	—	410
Ras Kasar	Anglo-Italian Spheres of Surveillance in Red Sea. Ras Kasar fixed as limit	$\frac{24}{31}$ May, 1887	286	—	946
,, ...	Italian Spheres of Influence. Red Sea	15 April, 1891	289	—	949
,, ...	To Blue Nile. British and Italian Spheres	15 April, 1891	289	1	949
,, ...	Frontier. Italy and Egypt	$\frac{25 \text{ June}}{7 \text{ July}}$, 1895	338	1	1108
,, ...	Frontier. Soudan and Eritrea	1 June, 1899	342	—	1113
,,	Ditto, ditto. Boundary Marks. Ras Kasar to Jebel Injaha	$\frac{18}{19}$ Dec., 1907	377	—	1213
Ras Taba	See Taba				

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Recruiting	Great Britain and Congo Free State	12 May, 1894	163	—	581
,,	Great Britain and Netherlands. Gulf of Guinea	2 Nov., 1871	297	—	980
,,	France and Liberia. Ivory Coast	8 Dec., 1892	351	4	1135
Red Nation	See Germany (Namaqualand).				
Red Sea	British Jurisdiction. See Egypt.				
,,	Egyptian Boundary. See Egypt.				
,,	French Possessions. See France (East Africa).				
,,	Frontier. French Coastal Zone. Convention. France and Abyssinia	20 Mar., 1897	95	—	421
,,	Italian Boundary. See Abyssinia, &c., France and Italy, and Great Britain and Italy.				
,,	Anglo-Italian Spheres of Surveillance on Coast	$\frac{24}{31}$ May, 1887	286	—	946
,,	Italian Possessions recognized by Ethiopia	1 Oct., 1889	121	2	456
,,	Italian Boundary. To the Baraka. See Baraka.				
,,	Spanish Naval Station. See Spain and Italy.				
,,	Turkish Claims. See Turkey.				
Religious Liberty	Freedom, &c. "Berlin Act"	26 Feb., 1885	128	6	473
	See also separate Countries.				
Rer Ali	Tribes. British and Italian Spheres	5 May, 1894	290	—	951
Reversion	See Pre-emption.				
Rhoades Bay	See Chipole.				
Rhodesia	Notes on Rhodesia	1889—1908	33	—	265
,,	Charter. British South Africa Company	29 Oct., 1889	34	—	271
,,	Great Britain and Germany. Spheres of Influence. East Africa	1 July, 1890	270	—	899
,,	Great Britain and South African Republic. Non-extension of Republic into Territories of British South Africa Company	$\frac{24 \text{ July}}{2 \text{ Aug.}}$, 1890	33	—	265
,,	British South Africa Co. and Gazaland (East and South-East of Mashonaland)	4 Oct., 1890	33	—	266
,,	Extension of Field of Operations of South Africa Co. north of the Zambesi	Feb., 1891	35	—	277

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Rhodesia	British Government and South Africa Co. Extension of Field of Operations	2 Apr., 1891	33	—	267
,, ...	British Protectorate. Nyasaland Districts	14 May, 1891	37	—	286
,, ...	Great Britain and Portugal. Spheres of Influence. East and Central Africa	11 June, 1891	310	—	1016
,, ...	,, Spheres of Influence in Africa. Modus Vivendi	31 May / 5 June, 1893	311	—	1027
,, ...	Great Britain and Congo. Boundary North of Zambesi. Art. I	12 May, 1894	163	—	578
,, ...	Order in Council. Administration. Matabeleland	18 July, 1894	33	—	268
,, ...	Direct Administration by South Africa Co. of extended territory	24 Nov., 1894	36	—	280
,, ...	Great Britain and Portugal. Arbitration. Manica Boundary	7 Jan., 1895	312	—	1030
,, ...	,, Prolongation of Modus Vivendi of 1893	20 Jan., 1896	314	—	1034
,, ...	,, Manica Boundary Award	30 Jan., 1897	315	—	1036
,, ...	British Jurisdiction. Southern Rhodesia. Limits	20 Oct., 1898	33	—	268
,, ...	Great Britain and Germany. Delimitation. Nyasa - Tanganyika Boundary	11 Nov., 1898	276	—	916
,, ...	Great Britain and Portugal. Delimitation. Barué Boundary	28 June / 6 Dec., 1898	317	—	1069
,, ...	Great Britain and Portugal. Delimitation. Manica Boundary	June / Dec., 1898	318	—	1069
,, ...	Barotziland - North - Western Rhodesia. Limits	28 Nov., 1899	33	—	268
,, ...	North - Eastern Rhodesia. Limits	29 Jan., 1900	33	—	267
,, ...	Great Britain and Germany. Nyasa-Tanganyika Boundary	23 Feb., 1901	279	—	925
,, ...	Great Britain and Portugal. Boundary. River Mazoe to Mount Karera (Barué)	4 Mar. / 28 Apr., 1902	322	—	1071
,, ...	Amendment. Southern Rhodesia Order, 1898	16 Feb., 1903	33	—	268
,, ...	Great Britain and Portugal. Barotse Boundary	12 Aug., 1903	323	—	1072
,, ...	,, Boundary. Mount Mount Karera to 18° 30′ S. lat. (Barué)	18 Jan. / 12 Apr., 1904	324	—	1073

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Rhodesia	Great Britain and Portugal. Boundary. Limpopo to Sabi	21 Dec., 1903 19 July, 1904	325	—	1073
,,	,, Boundary. Zambesi to Nyasaland (North Zambesi)	21 Nov., 1904	327	—	1077
,,	,, Barotse Boundary. Award	30 May, 1905	326	—	1074
,,	,, Boundary. Mazoe to Zambesi (South Zambesi)	24 Oct., 1905	327	—	1077
,,	,, Boundary. Limpopo to Sabi and Sabi to 18° 30′ S. lat.	3 June, 1907	329	—	1078
Right of Search	Visit and Detention at Sea. "Brussels Act"	2 July, 1890	130	22—23	499
,,	Verification of Ships' Papers. "Brussels Act"	2 July, 1890	130	42, 44	504
	See also Slave Trade.				
Rio Nuñez	To the Mellacoree, German Recognition of French Sovereignty over Territories	24 Dec., 1885	195	3	655
	See also Nunez.				
Rio Pongas	(Sierra Leone). Boundaries	17 Jan., 1852	2	—	39
Rio del Rey	Great Britain and Germany. Boundary. Gulf of Guinea	April—June, 1885	260	—	868
,,	,, ,, ,,	July—Aug., 1886	263	—	880
,,	,, ,, ,,	1 July, 1890	270	4, § 2	903
,,	,, ,, ,,	14 Apr., 1893	273	—	910
,,	See also Nigeria.				
Rivers	Irrigation Works on Atbara	15 Apr., 1891	289	3	950
,,	Interference with Water Supply. See Blue Nile, Semliki, Sobat, Tsana.				
Rivers, Lakes, &c.	Free Navigation. "Berlin Act"	26 Feb., 1885	128	2	472
,, ,,	,, Addo, River	10 Aug., 1889	226	4, § 1	732
,, ,,	,, Ajarra, River	10 Aug., 1889	226	4, § 1	732
,, ,,	,, Benué, River	18 Apr., 1908	379	2	1218
,, ,,	,, Campo, River	24 Dec., 1885	195	1	653
,, ,,	,, Chad, Lake	18 Apr., 1908	379	4	1219
,, ,,	,, Congo, River	26 Feb., 1885	128	2, 4, 13, 25	472, 475
,, ,,	,, ,,	18 Apr., 1908	379	2	1218
,, ,,	,, Logogne, River	18 Apr., 1908	379	2	1218
,, ,,	,, Mayo Kebbi, River	18 Apr., 1908	379	2	1218
,, ,,	,, Niger, River	26 Feb., 1885	128	26–33	481
,, ,,	,, Nile, Upper	9 May, 1906	165	6	586
,, ,,	,, Sangha, River	18 Apr., 1908	379	2	1218
,, ,,	,, Shari, River	18 Apr., 1908	379	2	1218
,, ,,	,, Shiré, River	20 Aug., 1890	308	12, 13	1011
,, ,,	,, ,,	14 Nov., 1890	309	1	1014
,, ,,	,, ,,	18 Nov., 1890	309	—	1016
,, ,,	,, ,,	11 June, 1890	310	12	1022
,, ,,	,, Zambesi, River	26 Feb., 1884	307	—	1004
,, ,,	,, ,,	20 Aug., 1890	308	—	1009

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Rivers, Lakes, &c.	Free Navigation. Zambesi River	14 Nov., 1890	309	1, 2	1014 1015
,, ,,	,, ,,	18 Nov., 1890	309	11	1016
,, ,,	,, ,,	11 June, 1891	310	11–13	1021 1022 1023
Rivers of the South	French Guinea. French Rights	24 Dec., 1885	195	3	655
Roads	See Landways. Stevenson's Road. Yola.				
Roast Beef Island	See Ichaboe.				
Rode Valley	And Territory (Pondoland). Annexed to Cape Colony. See also Cape Colony.	29 July, 1887	19	—	174
Rodrigues	Cession to Great Britain	30 May, 1814	219	8	714
Rood-Ali	See Gubbed Kharab.				
Rovuma	River. British and German Spheres	9 June, 1886	261	—	874
,,	,, ,, ,,	Oct.—Nov., 1886	264	—	882
,,	,, ,, ,,	3 and 4 Dec., 1886	41	3	305
,,	And Umba River. Coast Administration by German East Africa Association	28 Apr., 1888	213	1	695
,,	River to Lakes Nyasa and Tanganyika	1 July, 1890	270	1, § 2	900
,,	Boundary. Germany and Portugal	30 Dec., 1886	216	2	704
,,	,, ,, ,,	30 Aug. / 1 Sept. 1894	217	—	706
,,	And Umba Rivers. Zanzibar Dominions	14 June, 1890	42	3	308
,,	,, Cession to Germany of Coast Line between	27 / 28 Oct., 1890	271	—	907
,,	British and Portuguese Spheres	11 June, 1891	310	1, § 1	1017
Roway	Bay of. Egyptian Boundary	July, 1881	178	—	614
Ro Woolah	(Sierra Leone). Boundaries	11 June, 1861	2	18	42
Royal Niger Company	See Niger.				
Rudolf, Lake	Agreement. Great Britain and Ethiopia. Southern Frontier	6 Dec., 1907	103	—	445
Ruo River	British and Portuguese Spheres	11 June, 1891	310	1	1017
Russia	And Congo. Recognition. Association	5 Feb., 1885	173	6	599
Saadani	Zanzibar Possessions. See also Zanzibar Limits.	9 June, 1866	261	5	875
Sabderat	British and Italian Spheres. See also Eritrea, Soudan (Anglo-Egyptian).	15 Apr., 1891	289	1	949

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Sabí (or Save) River	British and Portuguese Spheres of Influence	11 June, 1891	310	2	1018
,, ,,	Transit. Persons and Goods. Great Britain and Portugal	11 June, 1891	310	12	1022
,, ,,	To Limpopo. Anglo-Portuguese Boundary. Delimitation (under Art. II of Treaty of 11 June, 1891	21 Dec., 1903 19 July, 1904	325	—	1073
,, ,,	,, ,, ,,	3 June, 1907	329	—	1078
Sagollo (Tajourah)	Cession to France	18 Oct., 1884	185	—	632
Sahara	Desert of. France and Morocco	18 Mar., 1845	355	4	1148
,,	Great Britain and France. Spheres of Influence	5 Aug., 1890	229	2	739
,,	Ditto. Ditto. Soudan	21 Mar., 1899	244	—	796
,,	France and Spain. Delimitation. Possessions. Sahara Frontier	27 June, 1900	359	—	1165
Sahué	(Gold Coast). British Possessions	26 June, 1891	232	—	744
St. John's River	Portendic. British Right to Gum Trade	3 Sept., 1783	218	11	713
,, ,,	,, Right relinquished	7 Mar., 1857	221	1	716
,, ,,	Port and Estuary (Pondoland). British annexation	4 Sept., 1878	19	—	167
,, ,,	,, ,, ,,	10 Oct., 1881	19	—	169
,, ,,	Territory (Pondoland). Payment by Great Britain for	9 Dec., 1886	19	—	172
	See also Cape Colony.				173
St. Louis	Fort. Cession by Great Britain to France	3 Sept., 1783	218	9	713
Sainte Luce	Island and Port. (Madagascar). French Occupation	11 Nov., 1819	202	—	664
St. Lucia Bay	Cession to Great Britain	5 Oct., 1843	23	—	199
,,	British Occupation	18 Dec., 1884	23	—	202
,,	German Protest	7 Feb., 1885	23	—	202
,,	German Recognition of British Flag	April—May, 1885	260	—	869—870
Sainte Marie	(Madagascar). Cession to France	30 July, 1750	202	—	664
,,	,, Re-occupation	15 Oct., 1818	202	—	664
St. Mary Island	(Gambia). Cession to Great Britain	4 June, 1827	1	—	11
Sakalavas	(Of Fêhéréna, Madagascar). French Protectorate	19 Aug., 1859	202	—	665
Samanga	Zanzibar Possession	9 June, 1886	261	4	875
	See also Zanzibar. Limits.				
Samoo Bullom	Cession to Great Britain	2 May, 1877	2	—	49
Sandeng	(Gambia.) British and French Limits. Sandeng British	10 Aug., 1889	226	1, § 2 Annex 2, § 5	729 734

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Sandwich Harbour	South-West Africa. Claims. British Subjects	15 July, 1886	262	2	877
,, ,,	Coast Fishery	15 July, 1886	262	2	877
Sangha, River	Free Navigation. French and German Territories	18 Apr., 1908	379	2	1218
San Pedro	River. South of Gambia. British and French Limits	10 Aug., 1889	226	1, § 2 Annex 2 § 4	729 734
San Pedro and Cavally Rivers	Liberian Claim to Territory between	1891, 1892	233 351	—	745 1133
Santa Cruz de la Pequeña	Cession by Morocco to Spain	26 April, 1860	365	8	1175
Sardinia	See Italy.				
Savi	(Dahomey). Annexed to France	3 Dec., 1892	194	—	651
Saye	(Niger). To Barruwa (Lake Chad). French Influence	5 Aug., 1890	229	2	739
Scarcies River	(Small). Boundaries	23 Aug., 1851	2	—	39
,,	(Great). Kambia. Boundaries	26 Dec., 1851	2	—	39
,,	,, Macbatees. Ditto	26 Dec., 1851	2	—	39
,,	,, Ma Bwetie. ,,	$\frac{10}{11}$ June, 1861	2	—	42
,,	,, Cession to Great Britain	2 May, 1877	2	1	50
,,	,, Riverain Inhabitants	22 Jan., 1895	237	—	763
,,	(Great and Small). British Sovereignty over Waters	10 June, 1876	2	—	47
,,	,, Ditto over Islands	10 June, 1876	2	—	48
,,	,, Ditto over Territories bordering on Rivers	10 June, 1876	2	—	48
,,	,, Non-cession of Sovereign Rights	10 June, 1876	2	—	49
,,	,, Cessions to Great Britain	2 May, 1877	2	—	49
,,	,, British and French Limits ,,	28 June, 1882	224	—	723
,,	,, ,, ,,	10 Aug., 1889	226	2	729
,,	,, British Control over	28 June, 1882	224	1	723
,,	,, ,, ,,	18 Nov., 1882	2	—	51
,,	,, ,, ,,	10 Aug., 1889	226	Annex 2	735
Schwhi	(Gold Coast) British Protection	18 Feb., 1887	3	—	71
Seal Island	See Ichaboe.				
Secondee	See Gold Coast. (Notes).				
Self-denying	Declaration. Great Britain and Congo Free State (Belgian Congo)	12 May, 1894	163	4	580
Semliki River	No works to be constructed to diminish flow into Lake Albert. Great Britain and Congo	9 May, 1906	165	3	585
Senegal	Cession by Great Britain to France See also French West Africa.	3 Sept., 1783	218	9	713

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Senegambia	British and French Possessions	10 Aug., 1889	226	1	729
,, ...	German Renunciations, &c.	24 Dec., 1885	195	3	655
,, ...	Great Britain and France. Gambia Boundary .... See also Coba, Kabilai.	8 Apr., 1904	251	5	817
Senhit	Egyptian Administration. Eastern Soudan	30 Nov., 1881	178	—	616
,, ...	Egyptian evacuation	3 June, 1884	98	2	422
,, ...	,, ,, ...	July, 1884	178	—	617
Sennaar	Egyptian Province	13 Feb., 1841	178	—	614
Sese Archipelago	Included in Uganda	10 Mar., 1900	89	1	397
Setit, River.....	To Abu Gamal. Soudan-Eritrean Frontier	22 Nov., 1901	291	—	952
,, ...	,, ,, ,,	15 May, 1902	100	—	433
,, ...	To the Mareb - Eritrea-Ethiopian Frontier....	15 May, 1902	100	—	433
Seychelles	Ceded to Great Britain	30 May, 1814	219	8	714
Seyid Mahamed	(Mullah). See Nogal.				
Shari	River. Non-extension of German Influence eastward	15 Nov., 1893	275	4	914
,, ...	Free Navigation. French and German Territories.....	18 April, 1908	379	2	1218
Shark Islands....	South-West Africa. German Sovereignty.....	15 July, 1886	262	4	878
Shashi	And Lundi Rivers. British Jurisdiction between	27 June, 1891	22	4	192
,, ...	And Macloutsie Rivers. Disputed Territory between. British Jurisdiction	27 June, 1891	22	1A	192
Shavoe River	Boundary. Great Britain and Germany	1 July, 1890	270	4, § 1	903
Shebar	See Bullom and Shebar. See also Sherbro.				
Sherbro	(Sierra Leone). Cession to Great Britain	24 Sept., 1825	2	—	31
,, ...	Annexation to Sierra Leone	3 Oct., 1825	2	—	32
,, ...	Cessions to Great Britain....	9 Nov., 1861	2	—	44
,, ...	British Sovereign Rights confirmed..... See also Bendoo and Chah.	18 Nov., 1882	2	—	51
Sherbro Island	Cession to Great Britain	24 Sept., 1825	2	—	31
,, ,,	,, ,, ,,	9 Nov., 1861	2	—	42
Sherbro and Mendi	British Right to collect Customs Dues	21 Dec., 1875	2	—	47
Shiré Highlands	Treaties with Chiefs	1889—1891	38	—	289
Shiré River.....	British and Portuguese Spheres of Influence	11 June, 1891	310	1, § 2	1017
,, ...	,, ,, ,,	May—June, 1893	311	1	1027
,, ...	Free Navigation	20 Aug., 1890	308	12, 13	1011
,, ...	,, ,, ...	14 Nov., 1890	309	1	1014
,, ...	,, ,, ...	18 Nov., 1890	309	—	1016
,, ...	,, ,, ...	11 June, 1891	310	12	1022

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Shiré River	Transit over Waterways	14 Nov., 1890	309	2	1015
„	„ „ „	11 June, 1891	310	12	1022
Shiré-Zambesi Watershed	British and Portuguese Spheres of Influence	11 June, 1891	310	1 § 2	1017
Shirwa	Lake. See Chilwa, Lake.				
Shoa	And Great Britain. Treaty. Friendship, &c.	16 Nov., 1841	96	—	421
„	And Italy. Boundaries, &c. See also Abyssinia.	21 May, 1883	113	—	448
Sierra Leone	Notes on Sierra Leone	1788—1908	2	—	26
„	Cession to Great Britain	22 Aug., 1788	2	—	26
„	„ „ „	10 July, 1807	2	2	26
„	Cession. Bance Island	10 July, 1807	2	3	27
„	British Jurisdiction in countries adjacent to	13 July, 1850	2	—	38
„	Union with Gambia, Gold Coast, and Lagos	19 Feb., 1866	2	—	45
„	(North Bank). Cessions to Great Britain	2 Aug., 1824	2	—	30
„	„ „ „	29 Nov., 1847	2	—	37, 38
„	„ „ Confirmation of ditto	26 Aug., 1852	2	—	40
„	Union with Gambia	17 Dec., 1874	2	—	47
„	British Sovereignty. Sierra Leone Waters and Islands, &c.	10 June, 1876	2	—	47, 48
„	Territory North of. British and French Limits	28 June, 1882	224	—	723
„	„ „	10 Aug., 1889	226	2	730
				Annex 1	733
				Annex 2	735
„	British West Africa Settlements	17 Dec., 1874	2	—	47
„	„ „	17 June, 1885	2	—	55
„	„ „	11 Oct., 1887	2	—	55
„	A Separate Colony	28 Nov., 1888	2	—	55
„	Sierra Leone Protectorate	31 Aug., 1896	2	—	56
„	Treaties, &c. Great Britain and Native Chiefs, &c.	1788—1892	2	—	23
„	„ „	1885—1891	2	—	56
„	British and French Boundary, to the North and East	21 Jan., 1895	237	—	757
„	„ „	$\frac{14}{16}$ June, 1898	243	—	794
„	„ „	22 Mar., 5 Apr., 1904	250	—	815
„	Boundary. Sierra Leone and Liberia	11 Nov., 1885	351	2, 3	1132
„	„ „	25 June, 1903	352	—	1136
Sierra Leone (Protectorate)	Territories adjacent to Colony	31 Aug., 1896	2	—	56
Simitia	British and French Boundary. Sierra Leone, Simitia territory in dispute	9 Apr., 1896	239	—	771
„	French Claim to Simitia withdrawn	$\frac{14}{16}$ June, 1898	243	—	794
Sinai	Peninsula. Egyptian Administration	8 April, 1892	178	—	619

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Sinai	Delimitation of Peninsula	14/15 May, 1906	372	—	1199
,,	Administrative Dividing Line. Turkey and Egypt	1 Oct., 1906	373	—	1201
Sinclair	Island. See Ichaboe, &c.				
Skarcies River	See Scarcies.				
Slave Coast	German Protectorate. Recognition by France	24 Dec., 1885	195	2	654
,,	German Protectorate. Recognition by France See also Porto Seguro, Little Popo, Togo.	1 Feb., 1887	196	—	655
,,	British and French Spheres	10 Aug., 1889	226	4	732
,,	British and French Trading Privileges	10 Aug., 1889	226	4, § 2	732
Slaves	"Brussels Act." Fugitives on board Ships of War. Freedom	2 July, 1890	130	28	500
,,	Detained on board Native Vessels	2 July, 1890	130	29	500
,,	Fugitives. Freedom	2 July, 1890	130	64	509
Slave Trade	"Berlin Act." By Land and Sea	26 Feb., 1885	128	— 6 9	470 473 474
,,	Suppression. Somali	2—9 Feb., 1888	225	6	727
,,	"Brussels Act," Means for counteracting	2 July, 1890	130	—	488
,,	Confirmation of Treaties	2 July, 1890	130	24	499
,,	International Bureau at Zanzibar	2 July, 1890	130	27 74—80	500 511
,,	Use of Flag by Native Vessels	2 July, 1890	130	30—61	500
,,	Conventions concluded before "Brussels Act" repealed	2 July, 1890	130	96	516
,,	Suppression in Maritime Zone	2 July, 1890	130	20—21	499
,,	Right of Search, Visit, &c. See also Right of Search.	2 July, 1890	130	22	499
,,	Ratification. "Brussels Act." Protocol	2 July, 1891	132	—	520
,,	,, ,, ,,	2 Jan., 1892	133	—	523
,,	,, United States	2 Feb., 1892	134	—	526
,,	,, Portugal	30 Mar., 1892	135	—	528
,,	Ottoman Law	4—16 Dec., 1889	371	—	1197
Slavery	Suppression. "Berlin Act"	26 Feb., 1885	128	6	473
,,	Slaves sent to Countries in which recognised	2 July, 1890	130	62—73	508
Small Scarcies	See Scarcies.				
Sobat, River	No works to be constructed to arrest flow. Treaty. Great Britain and Ethiopia See also Baro, River.	15 May, 1902	100	3	432
Socotra	British Protection	23 April, 1886	94	—	415

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Sokoto	National African Company. Transfer of Rights to, &c.	1 June, 1885	7	—	122
,, ...	Royal Niger Company. Jurisdiction over Foreigners, &c.	15 April, 1890	14	—	130
,, ...	Influence of Niger Company	5 Aug., 1890	229	2	739
,, ...	British and French Boundary. East of Niger	14 June, 1898	241	4	787
,, ...	,, ,, ,,	8 Apr., 1904	251	8	818
,, ...	,, ,, ,,	29 May, 1906	256	—	843
Somali Coast	French Possessions. (Danakil Coast)	1862—1885	181—188	—	628—633
,, ...	Egyptian Administration. Conditional recognition	7 Sept., 1877	178	1	409, 615
,, ...	Non-cession by Egypt to any Foreign Power	7 Sept., 1877	178	2	615
,, ...	Ditto. Assurance required from Sultan	7 Sept., 1877	178	5	615
,, ...	Abandonment by Egypt	May, 1884	178	—	617
,, ...	French annexations notified	11 Feb., 1885	93	—	409
,, ...	British and French Protectorates	2—9 Feb., 1888	225	—	726
Somaliland Protectorate	Notes on the Somali Coast	1840—1908	93	—	408
,, ...	Treaties. Tajourah and Zaila	1840	93	—	408
,, ...	British Protectorate over Native Tribes	1884—1886	93	—	409
,, ...	British Protecorate. Ras Jiburti to Bunder Ziadeh	20 July, 1887	93	—	410
,, ...	British and French Limits	2—9 Feb., 1888	225	—	726
,, ...	Reservation. Rights of Turkey	2—9 Feb., 1888	225	—	728
,, ...	British Jurisdiction	13 Dec., 1889	93	—	410
,, ...	British and Italian Spheres of Influence	5 May, 1894	290	—	951
,, ...	Great Britain and Abyssinia. Frontiers of British Protectorate	14 May, 1897	99	—	423
,, ...	,, ,, ,,	4 June, 1897	99	—	428
,, ...	British Jurisdiction	7 Oct., 1899	93	—	410
,, ...	Protectorate in Alcoholic Liquor Zone	24 Jan., 1902	93	—	411
,, ...	Italy and Mullah. Settlement in Italian Nogal country on borders of Somaliland Protectorate	5 Mar., 1905	347	—	1120
,, ...	Administration. Protectorate	23 June, 1904	93	—	411
,, ...	,, ,, ,,	8 Jan., 1906	93	—	411
,, ...	Railway from British Somaliland through Ethiopia to the Soudan	13 Dec., 1906	102	9	439

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Somaliland Protectorate	Great Britain and Italy. Agreement of 1905. Italy and Mullah	19 Mar., 1907	295	—	961
Somaliland, Italian	See Italy (Benadir).				
Songwe	British and German Spheres	1 July, 1890	270	1, § 2	900
Soombia Soosoos	And Tura. Cessions to Great Britain	18 April, 1826	2	—	34
Soudan (Anglo-Egyptian)	Decree. Egypt. Separate Governorship. Eastern Soudan	30 Nov., 1881	178	—	616
,, ,,	Abandonment by Egypt	July, 1884	178	—	617
,, ,,	Anglo-Italian Spheres of Influence. Ras Kasar to Blue Nile	15 Apr., 1891	289	1	949
,, ,,	Frontier. Soudan and Eritrea. Baraka to Red Sea	7 Dec., 1898	340	—	1110
,, ,,	,, Baraka to Sabderat	1 June, 1899	342	—	1113
,, ,,	,, Sabderat to Todluc	16 Apr., 1901	343	—	1115
,, ,,	Agreement. Great Britain and Egypt. Administration of Soudan	19 Jan., 1899	179	—	620
,, ,,	Inclusion of Suakin in above Agreement	10 July, 1899	180	—	622
,, ,,	Anglo-French Spheres of Influence	21 Mar., 1899	244	—	796
,, ,,	Frontier. Soudan and Eritrea. Declaration. Great Britain and Italy	22 Nov., 1901	291	—	952
,, ,,	,, Soudan and Ethiopia	15 May, 1902	100	—	431
,, ,,	,, Soudan and Eritrea	15 May, 1902	100	—	433
,, ,,	,, Soudan and Eritrea. Description	18 Feb., 1903	344	—	1117
,, ,,	,, Soudan and Ethiopia. Description	27 June, 1903	101	—	434
,, ,,	,, Soudan and Eritrea (River Carora)	19 Jan., 1904	345	—	1118
,, ,,	,, Ditto ditto. Boundary Marks. Jebel Injaha to Ras Casar	$\frac{8}{19}$ Dec., 1907	377	—	1213
,, ,,	Boundary. Soudan and Congo Free State (Belgian Congo)	9 May, 1906	165	2	585
,, ,,	Railway. Congo Frontier to Lado. Navigation Upper Nile Transit of Goods. Soudanese territory	9 May, 1906	165	4—7	585
,, ,,	Lease by Ethiopia to Soudan of Territory on Baro River for Commercial Station	15 May, 1902	100	4	432
,, ,,	Railway through Abyssinia to connect Soudan with Uganda	15 May, 1902	100	5	432

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Soudan (Anglo-Egyptian)	Railway through Ethiopia from British Somaliland to Soudan	13 Dec., 1906	102	9	439
	See also French Soudan. Kalabat. Kassala. Massowah. Senhit. Suakin. Taka.				
Soudan, French	See French Soudan.				
Soulimaniah	British Possession. North of Sierra Leone	10 Aug., 1889	226	2	730
Soumbuya	See Soombia Soosoos.				
South Africa Company	See British South Africa Company.				
South-West Africa	See British South Africa. Germany. Portugal.				
South African Republic	See Transvaal.				
Southern Nigeria	See Nigeria.				
Southern Rhodesia	See Rhodesia.				
Southern Rivers Districts	Rivers of the South. Recognition of French rights.....	24 Dec., 1835	195	3	655
Spain	Notes on Spanish Possessions in Africa	1479—1900	357	—	1162
,, ...	And Africa (West Coast). Fernando Po and Annabon. Cession by Portugal	1 Mar., 1778	368	13	1180
,, ...	,, ,, ,,	24 Oct., 1778	368	—	1179
,, ...	,, Africa (North-West Coast). Protection. Cape Blanco to Cape Bojador.....	9 Jan., 1885	358	—	1163
	See also Spain and France.				
,, ...	And Congo. Recognition of Association	7 Jan., 1885	174	12	600
,, ...	And France. Delimitation of Possessions in West Africa	27 June, 1900	359	—	1165
,, ...	,, Integrity of Morocco	3 Oct., 1904	360	—	1168
,, ...	,, Interests in Mediterranean and East Atlantic Ocean	16 May, 1907	376	—	1212
,, ...	And Great Britain. Interests in Mediterranean and East Atlantic Ocean	16 May, 1907	375	—	1211
,, ...	And Italy. Spanish Naval Station. Assab Bay (Danakil Coast)	Dec. 1887	361	—	1168
,, ...	And Morocco. Limits. Ceuta	25 Aug., 1844	357	—	1162
,, ...	,, ,, ,,	7 Oct., 1844	362	—	1170
,, ...	,, Limits. Ceuta Larache, Melilla, &c.	6 May, 1845	363	—	1171
,, ...	,, Limits. Jurisdiction. Melilla, &c.	24 Aug., 1859	364	—	1172
,, ...	,, Extension. Jurisdiction. Ceuta	26 April, 1860	365	2	1173

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Spain	And Morocco. Melilla Boundary	30 Oct., 1861	366	4	1176
,,	,, Delimitation. Fortress of Melilla	26 June, 1862	Note	—	1176
,,	,, Indemnity, &c. Events near Melilla, Oct.—Nov., 1893...	5 Mar., 1894	Note	—	1177
,,	,, Ditto. Indemnity	24 Feb., 1895	367	—	1178
,,	Great Britain and France. Declaration. Spanish Interests in Morocco recognised	8 Apr., 1904	252	8	821
,,	And Portugal. Cession of Fernando Po and Annabon to Spain	1 Mar., 1778	368	13	1180
,,	,, Cession of Fernando Po	24 Oct., 1778	368	—	1179
Spartel	Lighthouse. See Cape Spartel.				
Spheres of Influence	"Berlin Act"	26 Feb., 1885	128	—	468
,, ,,	British East Africa Company. Charter	3 Sept., 1888	64	—	345
,, ,,	British East Africa Protectorate. Notes	1887—1908	62	—	336
,, ,,	British South Africa Company. Charter	29 Oct., 1889	34	—	271
,, ,,	,, Non-extension into, of South African Republic	24 July / 2 Aug., 1890	33	—	265
,, ,,	Congo. Limits	1 Aug., 1885	145	—	552
,, ,,	,, Treaties. Foreign Powers	1884—1907	138—176	—	541
,, ,,	Great Britain and France. North of Sierra Leone	28 June, 1882	224	1	723
,, ,,	,, Gold Coast	10 Aug., 1889	226	3	730
,, ,,	,, Slave Coast	10 Aug., 1889	226	4	732
,, ,,	,, Somali Coast and Bay of Tajourah	2-9 Feb., 1888	225	—	726
,, ,,	,, South of Mediterranean Possessions	5 Aug., 1890	229	2	739
,, ,,	,, Middle and Upper Niger and Gold Coast	26 June, 1891	232	—	743
,, ,,	,, East and West of Niger	14 June, 1898	241	—	785
,, ,,	,, Central Africa and Soudan	21 Mar., 1899	244	—	796
,, ,,	,, West and Central Africa	8 Apr., 1904	251	—	816
,, ,,	Great Britain and Germany. Gulf of Guinea	April—June, 1885	260	—	868
,, ,,	,, Interior of Gulf of Guinea	July—Aug., 1886	263	—	880
,, ,,	,, East Coast of Africa. Zanzibar	Oct.—Nov., 1886	264	—	882

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Spheres of Influence	Great Britain and Germany. Trading Stations	Mar., 1887	266	—	887
,, ,,	,, Non-annexation in rear of Spheres of Influence	July, 1887	267	—	888
,, ,,	,, Gold Coast, Togoland, Volta	Dec., 1887	268	—	890
,, ,,	,, East, West, and South-West Africa	1 July, 1890	270	—	899
,, ,,	,, East Africa. Lake Jipé, Kilimanjaro, Wanga, &c.	27 Oct. 24 Dec. ' 1892	272	—	909
,, ,,	,, River Benué, Lake Chad	15 Nov., 1893	275	—	913
,, ,,	,, Lakes Nyasa and Tanganyika	23 Feb., 1901	279	—	925
,, ,,	Great Britain and Italy. River Juba to Blue Nile	24 Mar., 1891	288	—	948
,, ,,	,, Blue Nile to Ras Kasar	15 April, 1891	289	—	949
,, ,,	,, Eastern Africa. Somali, &c.	5 May, 1894	290	—	951
,, ,,	Great Britain and Portugal	20 Aug., 1890	308	1—8	1006—1008
,, ,,	,, North and South of the Zambesi.....	14 Nov., 1890	309	—	1014
,, ,,	,, East and Central Africa	11 June, 1891	310	—	1016
,, ,,	,, North of the Zambesi (Modus Vivendi)	May—June, 1893	311	—	1027
,, ,,	Portuguese spheres claimed between Angola and Mozambique.....	12 May, 1886	208	4	675
,, ,,	Ditto, ditto	30 Dec., 1886	216	3	704
,, ,,	British Protest against ditto	13 Aug., 1887	216	—	705
	See also Hinterland, and Boundary Arrangements between different Countries.				
Spirituous Liquors	Restriction in Traffic. Zanzibar and British East Africa Company	9 Oct., 1888	65	4	354
,, ,,	,, Gold Coast.....	10 Aug., 1889	226	3, § 3	731
,, ,,	,, "Brussels Act"	2 July, 1890	130	90—95	514
,, ,,	,, Witu, Nyasaland, Niger Protectorate, &c.....	18 June, 1892	69	—	364
,, ,,	,, Benadir Ports	12 Aug., 1892	334	4	1097
,, ,,	,, Somaliland Protectorate	24 Jan., 1902	93	—	411
,, ,,	,, Uganda Protectorate	24 Jan., 1902	85	—	393
,, ,,	,, Zanzibar.....	24 Jan., 1902	39	—	301
,, ,,	International Convention. Liquor Traffic. Africa	8 June, 1899	136	—	528
,, ,,	,, Ratifications	8 June, 1900	—	—	531
,, ,,	,, Ratification. Portugal	19 June, 1900	137	—	534

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Spirituous Liquors	International Convention. Liquor Traffic. Africa	3 Nov., 1906	—	Note	530
Stanley Pool	Limits. Belgium and France	5 Feb., 1895*	159	—	571
Stefanie, Lake	Agreement. Great Britain and Ethiopia. Southern Frontier	6 Dec., 1907	103	—	445
Stellaland	Boundary. South African Republic	27 Feb., 1884	28	—	231
Stevenson's Road	British and German Spheres	1 July, 1890	270	1, § 2	900
,, ,,	,, Boundary	23 Feb., 1901	279	—	925
Suakin	Egyptian Administration	May, 1865	178	—	614
,, ...	,, ,, ...	27 May, 1866	178	—	614
,, ...	,, ,, ...	8 June, 1873	178	—	615
,, ...	,, ,, ...	30 Nov., 1881	178	—	616
,, ...	Protection by British Government	6 Feb., 1884	178	—	616
,, ...	Included in Agreement of Jan., 1899, for Administration of Soudan	10 July, 1899	180	—	622
Sulymah River	Gallinas (Sierra Leone)	30 Mar., 1882	2	—	50
Swaziland	Independence recognised	3 Aug., 1881	28	24	227
,, ...	Ditto	27 Feb., 1884	28	12	234
,, ...	Ditto	24 July— 2 Aug., 1890	31	—	254
,, ...	Boundary	3 Aug., 1881	28	—	225
,, ...	Ditto	27 Feb., 1884	28	—	229
,, ...	Abrogation of Treaty of 27 Feb., 1884 (South African Republic, excepting Two Articles)	8 Nov., 1893	28	—	242
,, ...	Railway through Swaziland from Portuguese Frontier to Transvaal	May, 1882	306	—	999 1001 1003
,, ...	British and Portuguese Spheres of Influence	11 June, 1891	310	2	1018
,, ...	Convention. Great Britain and South African Republic	10 Dec., 1894	32	—	255
,, ...	Boundary. Tongaland	23 April, 1895	24	—	206
,, ...	Government by Governor of Transvaal.....	25 June, 1903	31	2	254
,, ...	Control transferred to High Commissioner	1 Dec., 1906	31	—	255
,, ...	Notes on	1881—1908	31	—	254
Sweden and Norway	And Congo. Recognition of Association -	10 Feb., 1885	175	—	601
Taba	Sinai Peninsula. Line of demarcation Turkey and Egypt	$\frac{14}{15}$ May, 1906	372	—	1199
,, ...	,, ,, ,,	1 Oct., 1906	373	1	1202

* The Treaty of 9th January, 1895, for the cession of the Congo State to Belgium was withdrawn, but see No. 332, p. 1226, as to renewal of Agreements of 1895, under the new Treaty of Cession of 28th November, 1907.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Tabarque	France and Tunis	8 Aug., 1830 24 Oct., 1832	369	—	1184
Tajourah	Treaty. East India Company	19 Aug., 1840	93	—	408
			184	4, 7	631
,, ...	Customs Dues. Trade	7 Sept., 1877	178	1	615
,, ...	Cession to France. (Map)	21 Sept., 1884	184	—	630
,, ...	Further Cession to France.	18 Oct., 1884	185	—	632
,, ...	,, ,, ,,	14 Dec., 1884	186	—	632
,, ...	Gulf. British Recognition French Protectorate	2–9 Feb., 1888	225	2	726
,, ...	Reservation. Rights of Turkey	2–9 Feb., 1888	225	—	728
Taka	Egyptian Administration. Eastern Soudan	May, 1865	178	—	614
,, ...	,, ,, ...	30 Nov., 1881	178	—	616
Takaungo	Zanzibar Possession ..... See also Zanzibar Limits.	9 June, 1886	261	6	876
Talla	British Possession. North of Sierra Leone	10 Aug., 1889	226	2	730
Tambakka	And Bennah. Boundary. See Bennah and Tambakka.				
Tambookie	See Great Britain (Cape Colony).				
Tamisso	North of Sierra Leone. French Possession	10 Aug., 1889	226	2	730
Tana River.....	To Rovuma River. British and German Spheres	3–4 Dec., 1886	41	3	305
,, ...	To territory North of. Withdrawal German Protectorate	1 July, 1890	270	2	901
,, ...	British East Africa. Administration	19 Nov., 1890	69	—	364
,, ...	Withdrawal of British East Africa Company. Territory north of	31 July, 1893	75	—	379
,, ...	To Juba River. British Protectorate delegated to Sultan of Zanzibar	31 July, 1893	75	—	379
,, ...	Administration of British Protectorate	31 Aug., 1896	75	Note	379
Tanganyika Lake	Congo Limits. Neutrality	1 Aug., 1885	145	—	553
,, ...	German Trading Station. River Kilifi	Mar., 1887	266	—	887
,, ...	And Nyasa Lake. No Transit Dues between	1 July, 1890	270	8	905
,, ...	No Transit Dues on Lake	1 July, 1890	270	8	905
,, ...	To Rovuma River. Boundary of British and German Spheres	1 July, 1890	270	1, § 2	900
,, ...	Spheres of Influence. Great Britain and Congo State	12 May, 1894	163	—	578
,, ...	Art. III ditto withdrawn	22 June, 1894	164	—	584
,, ...	Great Britain and Germany. Nyasa - Tanganyika Boundary	11 Nov., 1898	276	—	916
,, ...	,, ,, ,,	23 Feb., 1901	279	—	925

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Tanoe	River. See Tendo River.				
Tarfah	(Terfaya). See Cape Juby.				
Tasso Island	Cession to Great Britain	2 Aug., 1824	2	—	30
,, ...	,, ,, ,, ...	24 Sept., 1825	2	—	31
Tati	District. Exclusion from Charter of British South Africa Company	29 Oct., 1889	34	2 4 20	272 273 275
,, ...	British Jurisdiction	27 June, 1891	22	—	192
Taveta	Treaties. German East Africa Company	May—July, 1885	210	—	685
,, ...	British and German Spheres	Oct.—Nov., 1886	264	3	883 886
,, ...	,, ,, ,,	3, 4 Dec., 1886	41	4	305 307
,, ...	,, ,, ,,	1 July, 1890	270	1	899
Tchad	Lake. See Chad.				
Tekna	See Cape Juby.				
Telegraphs	British and Portuguese Spheres. East and Central Africa	11 June, 1891	310	15	1024
,, ...	Great Britain and Congo State. British Territories in South Africa and British Sphere on the Nile	12 May, 1894	163	5	580
	See also Separate Countries.				
Tembé	A headstream of the Niger	26 June, 1891	232	—	744
Tembé-Counda (Tembikundo)*	(Niger). British and French Boundary	26 June, 1891	232	—	744
,, ...	Boundary. France and Liberia	8 Dec., 1892	351	1, § 3	1134
,, ...	Anglo-French Frontier. Sierra Leone	21 Jan., 1895	237	—	758
,, ...	,, ,, ,,	12 Mar., 1903	247	—	809
,, ...	,, ,, ,,	22 Mar. / 5 April, 1904	250	—	815
Tembeland	See Tongaland (Maputaland).				
Tembuland	(Transkei). See Cape Colony.				
Tendo	River (Gold Coast). Custom Houses	10 Aug., 1889	226	3, § 2	731
,, ...	,, Free Navigation	10 Aug., 1889	226	3, § 2	731
,, ...	,, Fishing Rights	12 July, 1893	236	5	756
,, ...	,, Dredging Licences	16/25 June, 1907	259	—	861
,, ...	Lagoon. British and French Boundary	10 Aug., 1889	226	3	730, 731
,, ...	,, ,, Assinee	10 Aug., 1889	—	Annex 2	735
,, ...	Lagoon and River. British and French Frontier	12 July, 1893	236	1—3	755
Terfaya (in Tekna)	See Cape Juby.				

* Tembi-kunda, *i.e.*, the source of the Tembiko, or Niger. See last paragraph of Art. I of Agreement of 21st January, 1895, p. 758.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Territorial Waters	Neutrality. Conventional basin of the Congo	26 Feb., 1885	128	10	474
,,	Freedom of Navigation during War. Congo, &c.	26 Feb., 1885	128	25	481
,,	Ditto. Niger, &c.	26 Feb., 1885	128	33	484
,,	Zanzibar, Rights of British East Africa Company	24 May, 1887	63	9	344
,,	"Brussels Act." Fishing Vessels	2 July, 1890	130	39	503
,,	,, ,, Jurisdiction	2 July, 1890	130	42	504
Territory.....	Occupied. Authority in	26 Feb., 1885	128	35	485
,, ...	Non-cession. See Non-cession of Territory.				
Tetuan	Spanish Evacuation	30 Oct., 1861	366	1	1176
Tiel, River	Anglo-German Boundary. Yola to Lake Chad	19 Mar., 1906	284	2	938
Timmanees	(Quiah). Cession. Banana Islands	21 July, 1820	2	—	28
Tintingue	(Madagascar). French Occupation	4 Nov., 1818	202	—	664
Todluc	See Eritrea. Soudan (Anglo-Egyptian).				
Togoland	German Protectorate	5 July, 1884	212	—	693
,, ...	,, ,, ,,	12 July, 1884	212	—	693
,, ...	,, ,, ,,	15 Oct., 1884	212	—	693
,, ...	,, ,, ,,	—	270	Note	693
,, ...	,, French recognition	24 Dec., 1885	195	2	654
,, ...	British and German Limits	Dec., 1887	268	—	890
,, ...	Boundary. Gold Coast	1 July, 1890	270	4	903
,, ...	France and Germany. Dahomey and Togoland Boundary	23 July, 1897	199	—	661
,, ...	Great Britain and Germany. Boundary. Gold Coast	14 Nov., 1899	277	5	920
,, ...	,, ,, ,,	Sept.—Dec., 1901	280	—	927
,, ...	,, ,, ,, See also Great Britain	25 June, 1904	283	—	935
,, ...	Gold Coast, East of the Volta and Togoland. Customs Union	24 Feb., 1894	Note	—	915
Tombo Island...	Cession to Great Britain	5 June, 1821	2	—	29
,, ...	Ditto	2 Aug., 1824	2	—	30
Tongaland	Non-cession of Territory. Boundaries	6 July, 1887	23	—	204
,, ...	Great Britain and Portugal. Spheres of Influence	11 June, 1891	310	3	1018
,, ...	Annexation and Incorporation with Zululand	23 April, 1895	24	—	206
,, ...	Boundary. Swaziland and South African Republic	23 April, 1895	24	—	206
,, ...	British Protectorate over part. Maputaland....	11 June, 1895	24	—	207
,, ...	British and Portuguese Frontier	Sept.—Oct., 1895	313	—	1033
,, ...	,, ,, ,,	2 Oct., 1897	316	—	1066

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Tongaland	British and Portuguese Frontier	29 Dec., 1898 / 25 Jan., 1899	319	—	1070
,, ...	Non-recognition of Concessions to Amatongaland Exploration Company	4 Nov., 1895	26	—	208
Torni	Aussa Sea Coast to. Italian Administration	10 Aug., 1887	116	3	451
Toru	(Uganda). Boundaries, Administration, &c.	26 June, 1900	90	—	399
Towe	Tribe. (West Togo District.) German Protectorate	Dec., 1887	268	—	890
Transkei	See Cape Colony.				
Transvaal	Notes on the Transvaal	1852—1908	28	—	222
,, ...	Independence of Transvaal Boers	17 Jan., 1852	28	—	222
,, ...	Boundaries, &c. Portugal	29 July, 1869	29	23	245
,, ...	Boundary. Barolongs and Batlapins	17 Oct, 1871	28	—	222
,, ...	Boundaries. Portugal	11 Dec., 1875	30	21	246
,, ...	British Ratification ditto	7 Oct., 1882	306	—	998
,, ...	Declared to be British Territory	12 April, 1877	28	—	223
,, ...	Part of the British Dominions	29 Sept., 1879	28	—	223
,, ...	Self-government guaranteed under British Suzerainty	3 Aug., 1881	28	—	223
,, ...	Boundaries. Griqualand West, Natal (Buffalo River), Zululand, Swaziland, Portugal, Matabeleland, and Bechuanaland	3 Aug., 1881	28	1	224
,, ...	Ditto ditto (amended)	27 Feb., 1884	28	—	227
,, ...	Treaties with Foreign States other than the Orange Free State	27 Feb., 1884	28	4	233
,, ...	Treaties with Netherlands and Portugal	Feb.—Mar., 1884	28	—	235
,, ...	Award. South-West Boundary	5 Aug., 1885	28	—	236
,, ...	Boundary. New Republic and Zululand	22 Oct., 1886	28	—	237
,, ...	Treaty with Lo Bengula. Matabeleland	30 July, 1887	28	—	238
,, ...	Union with New Republic	14 Sept., 1887	28	—	238
,, ...	Treaty with Great Britain. Boundaries	11—20 June, 1888	28	—	238
,, ...	Non-extension to North or North-West	24 July—2 Aug., 1890	28	10	243
,, ...	Inclusion of Little Free State	24 July—2 Aug., 1890	28	24	243
,, ...	Frontiers. British and Portuguese Spheres of Influence	11 June, 1891	310	—	1016

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Transvaal	Termination of Convention of August 2, 1890.....	1—8 Nov.,1893	28	—	242
,, ...	Administration of Swaziland	10 Dec., 1894	32	—	255
,, ...	Annexation by Great Britain	1 Sept., 1900	28	—	243
,, ...	Transvaal and Mozambique. Modus Vivendi	18 Dec., 1901	28	—	244
,, ...	Government of Transvaal....	21 June, 1902	28	—	244
,, ...	Annexation to Natal of certain Transvaal districts.....	19 Nov., 1902	23	—	205
,, ...	Constitution	6 Dec., 1906	28	—	244
Treaties	Maintenance. Annexation. Madagascar	27 Dec., 1885	206	—	672
Tripoli.....	See Notes on Ottoman Dominions	—	370	—	1196
,, ...	Turkish Rights Reserved. Tripoli hinterland	5/6 Aug., 1890	230	—	740
,, ...	,, ,, ,,	30 Oct., 1890	230	—	740
Tsana, Lake	No works to be constructed to arrest flow. Treaty. Great Britain and Ethiopia	15 May, 1902	100	3	432
T'Slambie	(Kaffraria). See Kaffraria.				
Tuli	District. British Jurisdiction	27 June, 1891	22	—	192
Tunghi Bay	To Kipini. Zanzibar Sovereignty	9 June, 1886	261	2	875
,, ...	,, ,, ,,	Oct.—Nov., 1886	264	1	882 884
,, ...	,, ,, ,,	3 and 4 Dec., 1886	41	1	304
,, ...	Notes. Germany and Portugal	30 Aug. / 1 Sept. 1894	217	—	706
Tunis	Notes on Tunis	1863—1897	369	—	1184
,, ...	Boundaries	23 Oct., 1871	369	—	1184
,, ...	And Algeria. Boundary	9 May, 1881	369	—	1184
,, ...	Temporary occupation by France	12 May, 1881	369	2	1185
,, ...	Treaties with Foreign Powers guaranteed by France	12 May, 1881	369	4	1186
,, ...	,, ,, ,,	May, 1881	223	—	719
,, ...	French Protectorate	12 May, 1881	369	—	1185
,, ...	,, Protest of the Porte	16 May, 1881	369	—	1187
,, ...	Organization. French Tribunals	27 Mar., 1883	369	—	1190
,, ...	British Consular Jurisdiction abolished	31 Dec., 1883	369	—	1190
,, ...	Treaty Relations. Tunis and Foreign States	1 Feb., 1897	369	—	1190
Tura	See Soombia Soosoos.				
Turkey	Protest against Treaty between France and Tunis of 1881	16 May, 1881	369	—	1187
,, ...	Notes on the Ottoman Dominions	—	370	—	1196
,, ...	Law against Negro Slave Trade	16 Dec., 1889	371	—	1197

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Turkey	Claims. Basin of Upper Nile	12 May, 1894	163	—	580
,, ...	Reservation. Rights of Turkey. Gulf of Tajoura. Somali Coast	2-9 Feb., 1888	225	—	728
,, ...	Turkish Rights. Southern Frontier. Tripoli	$\frac{5}{6}$ Aug., 1890	230	—	740
,, ...	,, ,, ,,	30 Oct., 1890	—	—	740
,, ...	Notes. Great Britain. Line of Boundary. Sinai Peninsula	$\frac{14}{15}$ May, 1906	372	—	1199
,, ...	Agreement. Turkey and Egypt. Administrative dividing Line. Sinai Peninsula	1 Oct., 1906	373	—	1201
Turtle Island	(Sierra Leone). Cession to Great Britain	9 Nov., 1861	2	—	42
Ubangi-Shari	Included in French Congo	29 Dec., 1903	190	—	642
Uebi Scebeli	Frontier. Italian Somaliland and Ethiopia	16 May, 1908	380	1—4	1223
Uganda	Notes on the Uganda Protectorate	1890—1908	84	—	392
,, ...	British and German Spheres	1 July, 1890	270	1, § 2, 3	900
,, ...	British East Africa Company. Treaty. King Mwanga (not ratified)	30 Mar., 1892	84	—	392
,, ...	British East Africa Company withdraw from Uganda	17 May, 1892	84	—	392
,, ...	British Commissioner. Treaty. King Mwanga	29 May, 1893	85	—	393
,, ...	Great Britain and Congo. Limits. Spheres of Influence	12 May, 1894	165	—	578
,, ...	British Protectorate (Notification)	18 June, 1894	86	—	395
,, ...	British Protectorate (Treaty)	27 Aug., 1894	87	—	396
,, ...	Unyoro in Uganda Protectorate	30 June, 1896	88	—	397
,, ...	Boundaries, Administration, &c., Uganda	10 Mar., 1900	89	—	397
,, ...	Ditto. Toru	26 June, 1900	90	—	399
,, ...	Ditto. Ankole	$\frac{7 \text{ Aug.}}{25 \text{ Oct.}}$, 1901	91	—	401
,, ...	Protectorate in Alcoholic Liquor Zone	24 Jan., 1902	84	—	393
,, ...	Limits. Protectorate	11 Aug., 1902	92	—	404
,, ...	Railway. Soudan and Uganda through Abyssinia	15 May, 1902	100	5	432
,, ...	Great Britain and Congo. Boundary (Lado Enclave), &c.	9 May, 1906	165	—	584
,, ...	Great Britain and Germany. Boundary. East and West of Lake Victoria	18 July, 1906	285	—	942

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Uganda	Great Britain and Ethiopia. Boundary. Abyssinia	6 Dec., 1907	103	—	445
Ugaya	Included in Uganda	10 Mar., 1900	89	1	398
Ukami	Treaty. German Colonization Society and Native Chiefs	1884	210	—	683
,,	Charter. Ditto	17 Feb., 1885	209	—	681
Ulafu (Uldafu) River	Boundary. Sierra Leone and Liberia	25 June, 1903	352	—	1136
Umba River	Anglo-German Boundary in bend of	Jan.—Apr., 1900	278	—	921
	See also Wanga River and Rovuma River				
Umtali	British Jurisdiction	27 June, 1891	22	—	193
Umzimaribu	River. Pondoland	17 July, 1878	19	—	167
Umzimkulu	River. Pondoland. Cession to Cape Colony	17 July, 1878	19	—	167
United States	Ratification. "Brussels Act"	2 Feb., 1892	134	—	526
,	And Congo. Recognition of Association	22 April, 1884	176	—	602
,,	And Liberia. See Liberia.				
,,	And Muscat. Consular Jurisdiction	21 Sept., 1833	59	—	328
,,	And Zanzibar. Ditto, ditto	3 July, 1886	60	—	329
,,	,, Renunciation. Consular Jurisdiction	25 Feb., 1905	61	—	329
,,	,, Closing of United States Consular Court	$\frac{22}{29}$ Apr., 1907	61	—	330
,,	Accession. Liquor Traffic Convention	8 June, 1899	136	Note	529
Unyoro	Boundary. Uganda	18 June, 1894	86	—	395
,,	Placed in Uganda Protectorate	30 June, 1896	88	—	397
Urufian	Waterway. Rio del Rey Boundary	14 April, 1893	273	1	910
Usagara	Treaties. German Colonization Society and Native Chiefs	Nov.—Dec., 1884	210	—	683
,,	Charter. Ditto	17 Feb., 1885	209	—	681
Usoga	Boundary. Uganda	18 June, 1894	86	—	395
,,	Placed in Uganda Protectorate	30 June, 1896	88	—	397
Usutu River	See Maputo.				
Utamboni River	France and Spain. Limits. Gulf of Guinea	27 June, 1900	359	4	1166
Uzeguha	Treaty. German Colonization Society and Native Chiefs	1884	210	—	683
,,	Charter. Ditto	17 Feb., 1885	209	—	681
Valvisch Bay	See Walfisch Bay.				
Victoria	See Ambas Bay.				
Victoria Nyanza	British and German Spheres of Influence	Oct.—Nov., 1886	264	3	883
					886
,,	,, ,, ,,	3—4 Dec., 1886	41	3	305
,,	,, ,, ,,	1 July, 1890	270	1, § 1	899

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Victoria Nyanza	Certain Waters and Islands in Limits of East Africa Protectorate....	15 July, 1904	82	—	386
,,	Anglo-German Boundary. East and West of Lake	18 July, 1906	285	—	942
Vintang	District. British Sovereignty and Protection	17 Sept., 1887	1	—	19
,, ...	Creek (Gambia). British and French Boundary	10 Aug., 1889	226 Annex	1, § 2 2, § 5	729 734
Volta	British and German Limits. Interior.....	Dec., 1887	268	—	890
,, ...	Districts. British and German Boundary	1 July, 1890	270	4	903
,, ...	River. Open to Trade.....	30 Nov., 1868	3	—	65
,, ...	,, British and French Boundary	26 June, 1891	232	—	744
,, ...	,, ,, ,,	12 July, 1893	236	4	755
,, ...	,, ,, ,,	14 June, 1898	241	1	786
,, ...	,, ,, ,,	18 Mar. 25 April, 1904	253	—	824
,, ...	,, ,, ,,	24 May 19 July, 1906	257	—	847
,, ...	East of Gold Coast and Togoland. Customs Union ..... See also Gold Coast.	24 Feb., 1894	Note	—	915
Wadai	British and French Spheres of Influence. Central Africa and Soudan	21 Mar., 1899	244	—	796
Wady Nozat	North of Oppia. Italian Protectorate	20 May, 1889	349	—	1124
Walfisch Bay	British Occupation. Boundaries	12 Mar., 1878	19	—	175
,, ...	,, ,, ,,	18 Dec., 1878	19	—	176
,, ...	Annexation to Cape Colony	22 July, 1884	19	—	176
,, ...	,, ,, ,,	7 Aug., 1884	19	—	176
,, ...	Excluded from German Protectorate	5 Sept., 1884	19	—	176
,, ...	Southern Boundary. Arbitration	1 July, 1890	270	3, § 2	902
Wallaga Mining Company	Concession. Ethiopia	25 Dec., 1899	127	—	463
Wanga	Zanzibar Possession	9 June, 1886	261	5	875
,, ...	(Umba) to Rovuma. Coast between	28 April, 1888	213	—	695
,, ...	,, ,, German East Africa Association. Zanzibar Dominions	14 June, 1890	42	3	308
,, ...	,, ,, Cession by Zanzibar to Germany of Coast Line	1 July, 1890	270	11	905
,, ...	,, ,, ,, ...	27/28 Oct., 1890	271	—	907
,, ...	To Kipini. Anglo-German Sphere	29 Oct.— 1 Nov., 1886	264	1	882 885

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Wanga	To Kipini. Concession. Zanzibar to British East Africa Company for 50 years	24 May, 1887	63	—	339
,,	,, Royal Charter	3 Sept., 1888	64	—	345
,,	,, Concession. Zanzibar to British East Africa Company for 50 years	9 Oct., 1888	65	18	351
,,	,, Customs Revenues	21 Dec., 1889	67	—	361
,,	,, Concession. Zanzibar to British East Africa Company "in perpetuity"	5 Mar., 1891	70	—	365
,,	,, Anglo-German Boundary	27 Oct.—			
,,		24 Dec., 1892	272	—	909
	,, ,, ,,	25 July, 1893	274	—	911
,,	To Kismayu. British Administration of Coast	1 July, 1895	76	—	380
,,	To Congo State. British and German Spheres	1 July, 1890	270	1, § 1	899
,,	River Umba. Territory South of, excepted from British Protectorate	4 Nov., 1890	43	—	310
	See also Germany.				
,,	To Victoria Nyanza. British and German Spheres	3, 4 Dec., 1886	41	3	305
,,	,, ,, ,,	1 July, 1890	270	1	899
Warsheikh	Southern Limit of Sultanate of Oppia	20 May, 1889	349	—	1124
	See also Benadir Ports.				
Waterways	Transit. Persons and Goods. British and Portuguese Spheres	11 June, 1891	310	12	1022
Webi Schwebeli	See Uebi Scebeli.				
West Africa	Settlements. See Sierra Leone.				
West Africa (French)	See French West Africa.				
West Huk	Rio del Rey Boundary	14 April, 1893	273	2	910
Whemi	(Lagos). Kingdom	23 July, 1886	5	—	105
Whydah	French Annexation	3 Dec., 1892	194	—	651
,,	Limits. Sovereignty, &c.	6 Dec., 1892	194	—	652
	See also Dahomey.				
Witu	Sultanate. German assertion of Independence of Zanzibar	June, 1885	210	—	684
,,	Cession of Territory to German subjects	2 Dec., 1885	210	—	688
,,	Cessions to German Subjects. Kipini to Witu	1885—1887	210	—	684 688 689
,,	Limit. Coast line North of Kipini to North of Manda Bay	Oct.—Nov., 1886	264	5	884 886
,,	,, ,, ,,	¾ Dec., 1886	41	5	306 308

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Witu	Excepted from Lease to British East Africa Company of Zanzibar Dominions	31 Aug., 1889	66	1	359
,, ...	German Protectorate over Coast. Witu to Kismayu	22 Oct., 1889	210	—	689
,, ...	Right of Sultan to Manda and Patta Islands	20 Dec., 1889	210	—	690
,, ...	German Protectorate withdrawn	1 July, 1890	270	2	901
,, ...	British Recognition of Sultan's Sovereignty	1 July, 1890	270	2	901
,, ...	Limits. Kipini to point opposite Kwyhoo	1 July, 1890	270	2	901
,, ...	German recognition of British Protectorate	1 July, 1890	270	11	906
,, ...	British Protectorate. Witu to Kismayu	19 Nov., 1890	69	—	364
,, ...	Submission of Witu to British Government	25 Jan., 1891	71	—	369
,, ...	,, ,, ,,	5 Mar., 1891	71	3	368
,, ...	Consent of British Government to Transfer to British East Africa Company	5 Mar., 1891	71	—	367
,, ...	Relations with Zanzibar	5 Mar., 1891	71	6	368
,, ...	Administration of Witu by British East Africa Company	18 Mar., 1891	72	—	370
,, ...	,, ,, ,, ...	20 Mar., 1891	73	—	372
,, ...	British Protectorate over Provinces	20 Mar., 1891	73	—	374
,, ...	British Flag hoisted	April or May, 1892	Note	—	901
,, ...	Alcoholic Liquors prohibited. Witu to Kismayu	18 June, 1892	62	—	364
,, ...	Administration by British East Africa Company relinquished	31 July, 1893	75	—	379
,, ...	British Protectorate	31 July, 1893	75	—	379
,, ...	Administration delegated to Sultan of Zanzibar.	31 July, 1893	75	—	379
,, ...	Provisional Regulations. Administration	Aug., 1893	75	Note	379
,, ...	Included in East Africa Protectorate	31 Aug., 1896	75	Note	379
,, ...	In Alcoholic Liquor Zone....	24 Jan., 1902	62	—	337
Wonkafong	Sierra Leone. Boundaries See also Sierra Leone.	29 Jan., 1852	2	—	40
Wooli	See Fattatenda.				
Xesibe	Territories. Annexed to Cape Colony	23 Aug., 1886	19	—	170
,, ...	,, ,, ,, See also Cape Colony.	25 Oct., 1886	19	—	171
Ya Comba	(Sierra Leone). Cession to Great Britain	24 Sept., 1825	2	—	31

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Ya Comba	Annexation to Sierra Leone	3 Oct., 1825	2	—	32
,,	British Sovereign Rights confirmed	18 Nov., 1882	2	—	52
Yadseram	See Yedseram.				
Yao	British Protectorate	21 Sept., 1889	38	—	289
Yarbatenda	(Gambia). British and French Boundary	10 Aug., 1889	226	1, § 1 § 2 Annex 2 § 3 & 6	729 734
,,	Yarbatenda to France	8 Apr., 1904	251	5	817
Yedseram River	Anglo-German Boundary. Yola to Lake Chad	19 Mar., 1906	284	4, 5	938
Yelboyah	Island. British Possession	29 Nov., 1847	2	15	37
,,	,, ,, ,,	10 June, 1876	2	1	48
,,	,, ,, ,,	28 June, 1882	224	2	724
Yendi	And all Territories of Chakosi fall to Germany. Anglo-German Boundary. West Africa	14 Nov., 1899	277	5	920
,,	,, ,, ,,	26 Sept. 2 Dec., 1901	280	—	927
,,	,, ,, ,,	25 June, 1904	283	—	935
Yola	Interior. Gulf of Guinea. British and German Spheres	July—Aug., 1886	263	—	880
,,	,, ,, ,,	15 Nov., 1893	275	—	913
,,	Route. France and Germany. Limits	4 Feb., 1894	198	4	659
,,	Great Britain and Germany. Delimitation. Yola Arc	10 Aug., 1903	—	—	939
,,	,, Boundary Yola to Lake Chad	24 Feb., 1904	282	—	933
,,	,, ,, ,,	19 Mar. 16 July, 1906	284	—	937 941
Yorubaland	Non-cession of Territory, Boundaries, &c.	23 July, 1888	5	—	109
Zaila	Treaty. Cession to Great Britain of Aubad	3 Sept., 1840	93	—	408
Zaire River	See Congo, River.				
Zambesi	Navigation. Great Britain and Portugal. (Not ratified)	26 Feb., 1884	307	—	1004
,,	Germany and Portugal. Boundary. Catima Rapids	30 Dec., 1886	216	1	703
,,	German Access to, from South-West	1 July, 1890	270	3	902
,,	Free Navigation and Transit. (Not ratified)	20 Aug., 1890	308	—	1009
,,	Free Navigation and Transit	14 Nov., 1890	309	1, 2	1014 1015
,,	,, ,,	18 Nov., 1890	309	—	1016
,,	,, ,,	11 June, 1891	310	11–13	1021 1022
,,	,, ,, Affluents	11 June, 1891	310	13	1023

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Zambesi	North of. British and Portuguese Limits (Not ratified, but see Art. IV of Agreement of 14th Nov., 1890, p. 1015.)	20 Aug., 1890	308	1 5	1006 1008
„	„ British and Portuguese Limits	11 June, 1891	310	1, 5	1017 1019
„	„ „ „	May—June, 1893	311	—	1027
„	„ „ „ Delimitation of Boundary	21 Nov., 1904 24 Oct., 1905	327	—	1077
„	South of. British and Portuguese Spheres	20 Aug., 1890	308	2	1007
„	„ „ „	11 June, 1891	310	2, 6	1018 1019
„	„ British and Portuguese Mutual Right of Pre-emption	11 June, 1891	310	7	1020
„	„ Delimitation of Boundary	24 Oct., 1905	327	—	1077
„	Upper. British and Portuguese Spheres	11 June, 1891	310	4	1019
„	Extension of Portuguese Sphere	20 Aug., 1890	308	3, 4	1007
„	„ „ „	11 June, 1891	310	3	1018
„	Territorial Limits. British and Portuguese	20 Aug., 1890	308	1	1006
„	„ „ „	14 Nov., 1890	309	4	1015
„	Transit over Waterways and Landways	14 Nov., 1890	309	2	1015
„	„ „ „	11 June, 1891	310	12	1022
„	Waters under Portuguese Influence	11 June, 1891	310	13	1023
„	„ under British Influence	11 June, 1891	310	13	1023
„	Watershed. Zambesi and Shiré. British and Portuguese Spheres	11 June, 1891	310	1, § 2	1017
„	„ Zambesi and Lake Nyasa. British and Portuguese Spheres	11 June, 1891	310	1 § 2	1017
Zanzibar	Independence. Recognition by Great Britain and France	10 Mar., 1862	222	—	718
„	„ „ by Germany	Oct.—Nov., 1886	264	7	882—886
„	„ „ Agreement of 1862 modified	5 Aug., 1890	228	—	738
„	And Austria-Hungary. Consular Jurisdiction, &c.	11 Aug., 1887	50	2	315
„	„ Cessation of Austro-Hungarian Consular Jurisdiction	8/11 May, 1907	50	—	315
„	And Belgium. Consular Jurisdiction, &c.	30 May, 1885	51	—	315
„	„ Cessation of Belgian Consular Jurisdiction	7/15 May, 1907	51	—	315

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Zanzibar	And British East Africa Company. See East Africa Protectorate.				
,,	,, Zanzibar, Pemba, &c., excluded from Concession to British East Africa Company	9 Oct., 1888	65	12	357
,,	And France. Consular Jurisdiction, &c.	17 Nov., 1844	52	—	315
,,	,, Suppression. French Consular Jurisdiction	$\frac{13}{18}$ May, 1904	53	—	317
,,	And Germany. Consular Jurisdiction, &c.	20 Dec., 1885	54	—	320
,,	,, Cessation. German Consular Jurisdiction	14 Nov., 1899	277	7	920
,,	,, ,, ,,	11 June, 1907	54	Note	322
,,	And German East Africa Society. Concession. Mainland and South of the Umba	28 April, 1888	213	—	695
,,	,, ,, Custom Houses, ditto	4 June, 1888	214	—	700
,,	,, Suppl. Agreement. Régie or Lease of Customs Duties to Society	13 Jan., 1890	215	—	702
,,	And Great Britain. Exterritoriality. Consular Jurisdiction, &c.	30 April, 1886*	40	16	302
,,	And Italy. Consular Jurisdiction, &c.	28 May, 1885	55	—	322
,,	,, Consular Jurisdiction subject to Italian Laws. (Additional Article)	10 Oct., 1885	55	—	324
,,	,, Cessation of Italian Consular Jurisdiction)	$\frac{5}{9}$ July, 1905	56	—	325
,,	,, Transfer to Italy of Concession to British East Africa Co., Benadir Ports, &c.	8 April, 1890	333	—	1094
,,	,, Concession, ditto	12 Aug., 1892	334	—	1094
,,	,, Provisional Administration by Italy of ditto for three years	15 May, 1893	335	—	1100
,,	,, Rent to be paid by Italian Government for ditto	1 Sept., 1896	336	—	1103
,,	And Muscat. Award. Independence of Sultans	2 April, 1861	57	—	326
,,	And Portugal. Consular Jurisdiction, &c.	25 Oct., 1879	58	—	327
,,	,, Surrender. Portuguese Consular Jurisdiction	28 Feb., 1907	58	—	328

* Abrogated by Treaty of November 4, 1908.

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Zanzibar.....	And United States. Ditto	21 Sept., 1833	59	—	328
,, ...	,, ,, ...	3 July, 1886	60	—	329
,, ...	,, ,, Renunciation of United States Jurisdiction	25 Feb., 1905	61	—	329
,, ...	,, ,, Closing of United States Consular Court	22/29 Apr., 1907	61	—	330
,, ...	Zanzibar and Pemba. Limits. Maritime, Littoral, and Continental.....	9 June, 1886	261	—	874
,, ...	,, ,, ,,	Oct.—Nov., 1886	264	—	882
,, ...	,, ,, ,,	4 Dec., 1886	265	—	887
,, ...	,, ,, ,,	3—4 Dec., 1886	41	—	304
,, ...	Accession to "Berlin Act," with Reservations	8 Nov., 1886	49	—	314
,, ...	Reservations withdrawn	22 June, 1892	Note	—	314
,, ...	A Signatory Power to "Brussels Act"	2 July, 1890	130	—	488
,, ...	International Bureau	2 July, 1890	130	27 74—80	500 511
,, ...	Alcoholic Liquor Zone	24 Jan., 1902	39	—	301
,, ...	German Protectorate. Territories West of Zanzibar Possessions	6 Mar., 1885	210	—	682
,, ...	German Protectorate over Coast up to Kismayu withdrawn	1 July, 1890	270	11	906
,, ...	Cession to Germany of German East Africa Company's Mainland Concessions and Island of Mafia	1 July, 1890	270	11	905
,, ...	Ditto. Recognition by Great Britain	27—28 Oct., 1890	271	—	907
,, ...	German acquisition. Continental possessions. French recognition.....	17 Nov., 1890	197	—	656
,, ...	Treaties with Foreign Powers to be respected by British East Africa Company	24 May, 1887	63	4	342
,, ...	,, ,, ,,	9 Oct., 1888	65	4	354
,, ...	Lease to British East Africa Company	31 Aug., 1889	66	—	359
,, ...	Relations with Foreign Powers	14 June, 1890	42	2	308
,, ...	Succession to Throne. British Guarantee	14 June, 1890	42	5	309
,, ...	British Protectorate of Zanzibar Dominions (with exceptions).....	14 June, 1890	42	1	308
,, ...	,, ,, ,,	4 Nov., 1890	43	—	310
,, ...	British Protectorate over Zanzibar, Pemba, and Witu recognised by Germany	1 July, 1890	270	11	906

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Zanzibar	British Jurisdiction by other than Consular Officers	2 Feb., 1891	44	—	310
,,	British Jurisdiction by other than Consular Officers. Disputes. Zanzibar or other non-Christians and British Subjects	16 Dec., 1892	47	—	313
,,	,, Enforcement of Treaties in Zanzibar	17 July, 1893	48	7	314
,,	British Jurisdiction. Natives of British Protectorates	17 July, 1893	48	2	314
,,	,, Over Zanzibar Subjects	17 July, 1893	48	2	314
,,	Administration. British Protectorate north of the Tana	31 July, 1893	75	—	379
,,	Sultan's Dominions on Mainland to be Administered by British Officers	1 July, 1895	76	—	380
,,	Part belonging to Zanzibar to be under Sultan's Sovereignty, but under British Administration	1 July, 1895	76	—	381
,,	Mahommedan Law and Religion	1 July, 1895	76	—	381
,,	Religious Liberty	1 July, 1895	76	—	381
,,	Limits of Protectorate. Order in Council	11 May, 1906	39	—	301
,,	Free Port	8 Feb., 1892	45	—	311
,,	Import Duties. Free Trade Zone. "Berlin Act"	22 June, 1892	46	—	312
,,	5 per cent. Import Duty	15 Sept., 1899	45	—	311
,,	7½ per cent. Import Duty	1 Jan., 1908	45	—	311
,,	Brava. See Benadir Ports.				
,,	Kau. See Kau.				
,,	Kipini. See Kipini.				
,,	Kismayu. See Benadir Ports.				
,,	Lamu Island. See Lamu.				
,,	Mafia Island. See Mafia.				
,,	Magadisho. See Benadir Ports.				
,,	Meurka. See Benadir Ports.				
,,	Minengani River to Kipini. See Minengani River.				
,,	Pemba Island. See Pemba.				
,,	Tunghi Bay to Kipini. See Tunghi Bay.				
,,	Warsheikh. See Benadir Ports.				
Zeila	Non-conclusion of Treaties with Foreign Powers	3 Sept., 1840	93	3	408
,,	Customs Dues. Trade	7 Sept., 1877	178	1	615
,,	British and French Limits	2–9 Feb., 1888	225	1	726
,,	British and Italian Trade, &c.	5 May, 1894	290	3	951

Name of Country, Place, &c.	Subject.	Date of Treaty or other Document.	No. of Doc.	Art.	Page.
Zones defined	Maritime. Congo Basin. "Berlin Act"	26 Feb., 1885	128	1	471
,,	Maritime. Repression of Slave Trade. "Brussels Act"	2 July, 1890	130	20 21	499
,,	Arms and Ammunition. Import prohibited	2 July, 1890	130	8	494
,,	Spirituous Liquors. Import prohibited	2 July, 1890	130	90	514
Zoolah	See Zululand.				
Zula	Italian Protectorate	2 Aug., 1888	118	—	452
Zululand	Cession to Great Britain	5 Oct., 1843	23	—	199
,,	Boundary. Natal	5 Oct., 1843	23	—	199
,,	Boundaries. South African Republic	3 Aug., 1881	28	—	224
,,	,, ,, ,,	27 Feb., 1884	28	—	229
,,	Boundary. New Republic	22 Oct., 1886	28	—	237
,,	A British Possession	14 May, 1887	23	—	202
,,	Notification to Powers	8 July, 1887	23	—	203
,,	Extension of Boundaries of Zululand	9 Dec., 1888	23	—	203
,,	Incorporation with, of part of Tongaland. See Tongaland.				
,,	Annexation to Natal	1 Dec., 1897	23	—	205
Zumbo	Portuguese Settlement	20 Aug., 1890	308	1	1007

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